

**ORDINANCE NO. 2020-**

**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 REVISING THE LOCAL AMENDMENTS RECOMMENDED IN THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE TO INCLUDE PROVISIONS RELATING TO MOBILE FOOD VENDING OPERATIONS, GATE ACCESS, SIGNAGE, LOCATION OF FIRE EXTINGUISHERS IN MULTI-FAMILY STRUCTURES AND REQUIRING BUILDINGS IN CERTAIN ZONED AREAS OF THE CITY THAT HAVE BEEN IMPACTED BY A FIRE EVENT TO INSTALL FIRE-SPRINKLER SYSTEMS PRIOR TO RE-OCCUPANCY, AMONG OTHER REVISIONS, TO ENHANCE PUBLIC SAFETY IN THE CITY; 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.** Section 38.033 titled Amendments to adopted code, contained in Chapter 38 of the City Code titled Fire Prevention and Protection is hereby amended as follows (added text is underlining and deleted text is indicated by strikethroughs):

**Section 503.4; change to read as follows:**

***503.4 Obstruction of fire apparatus access roads.*** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and ~~503.2.2~~ any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

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 503.6.1; add 503.6.1 to read as follows:**

**503.6.1 Gate access information.** The owner, owner's authorized agent, operator, occupant or person responsible for the gate shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, and information necessary for accessing any gate that obstructs emergency access roads or drives, whether on public or private

property. The code, combination, or information must be provided prior to the new or existing gate obstructing any emergency access roads or drives.

**Section 503.6.1.1; add 503.6.1.1 to read as follows:**

**503.6.1.1 Penalty.** A violation of 503.6.1 shall be punishable by a fine of \$1000.00.

**Section 504.1; amend to read as follows:**

**504.1 Required access.** Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department and law enforcement acting in the scope of duty. ~~An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.~~

**Section 504.1.1; add 504.1.1 to read as follows:**

**504.1.1 Required access information.** The owner, owner's authorized agent, operator, occupant or person responsible for the door(s) shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, or information necessary for accessing any exterior doors and openings required by this code or the International Building Code. The code, combination, and information must be provided prior to the new or existing door being secured.

**Section 504.1.1.1; add 504.1.1.1 to read as follows:**

**504.1.1.1 Penalty.** A violation of 504.1.1 shall be punishable by a fine of \$1000.00.

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 505.3; add to read as follows:*

**505.3:** Where new and existing buildings contain multiple tenant spaces whose primary access is from an interior corridor or, where the entrances to the tenant spaces are not immediately apparent from the exterior, those buildings shall provide numbered signs to assist emergency services personnel with locating any specific tenant space. Signs shall be durable and shall have characters that contrast with their background. Characters shall contain Arabic numbers and/or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 1 inch in height. Signs shall be placed, at a minimum:

1. On the opposite wall of a corridor across from any elevator or bank of elevators.
2. On the opposite wall of a corridor across from a stairway or stairway access.
3. At the confluence of two or more corridors.
4. At the beginning of a corridor from any vestibule, foyer, exterior access door or other point of ingress.
5. At any location, as directed by the Fire Code Official or their designee.

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:

**Section 507.5.4; change to read as follows:**

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or 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. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

**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:

**Section 901.8.2; change to read as follows:**

**901.8.2 Removal of existing occupant-use hose lines.** The fire code official is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. Installation is not required by this code or the International Building Code.
2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. If the remaining outlets for occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such valves shall be ~~are~~ compatible with local fire department fittings.

**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 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:**

**903.2.11.3 Buildings 55 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16 764mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.
2. Occupancies in Group F-2.

**903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

**903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

**903.2.11.9 Buildings Over 6,000 sq.ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

*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.

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

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 1103; add new Sections 1103.5.5 and 1103.5.6 to read as follows:**

**Section 1103.5.5 Spray booths and rooms.** Existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system in accordance with Section 2404.

**Section 1103.5.6 Existing R-1, 2, 3, and 4 Occupancies.** In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinklered prior to the re-occupancy of the unit/building.

**Chapter 68; add Chapter 68 to read as follows:**

### **SECTION 6801 General**

**6801.1 Scope.** The provisions of this chapter shall apply to the operation of mobile food vending in which cooking operations are conducted.

**6801.2 Construction Documents.** Every vendor desiring to engage in mobile food vending shall make a written application to the Fire Department for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Fire Department and be accompanied by permit application fee.

**6801.3 Fees.** An application for a permit under this chapter shall be accompanied by a fee in the amount of \$100. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Fire Department.

**6801.4 Permits.** It shall be unlawful to operate a mobile food vending unit without a permit as required by Section 105.6. All permits shall be prominently displayed on the mobile food vending unit.

**6801.4.1 Duration; non-transferability.** Permits will be issued for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

### **SECTION 6802 DEFINITIONS**

**MOBILE FOOD VENDING.** Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.

**MOBILE FOOD VENDING UNIT.** Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which cooking apparatus or cooking equipment may be or is used.

**VENDOR.** Any individual engaged in the business of mobile food vending; if more than one individual is operating a single means of conveyance, then vendor shall mean all individuals operating such means of conveyance.

**OPERATE.** All activities associated with the conducting of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

### **SECTION 6803 INSPECTIONS**

**6803.1 General.** Inspections of mobile food operations shall be set forth as outlined in this section.

**6803.2 Permit Inspections.** Once application for a permit is received by the Fire Department, the vendor shall coordinate an inspection with the Fire Department to verify all statements and requirements within this chapter are provided.

**6803.3 Inspections.** Mobile food vending units shall be inspected at least annually by the Fire Department, or as deemed necessary. Inspections shall be coordinated with the Environmental Health Department when possible.

### **SECTION 6804 OPERATIONAL REQUIREMENTS**

**6804.1 General.** Mobile food vending operations shall be as set forth in this section.

**6804.2 Operational Requirements.** Any vendor engaging in mobile food vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis at the end of each business day.
2. Shall not be parked, situated or operated in a manner than restricts or blocks emergency vehicle apparatus access.
3. Shall not be parked, situated, or operated in a manner than restricts or blocks fire hydrants, fire lanes, or other fire protection equipment or access.
4. Not use any flashing or blinking lights or strobe lights.
5. Not use loud music, amplification devices or "crying out", or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of San Marcos.
6. Comply with the city's Noise Ordinance, Sign Ordinance and any other applicable ordinances.

7. Comply with all applicable federal, state, county and municipal regulations.
8. Not represent the granting of a permit under this chapter as an endorsement by the City of San Marcos.
9. Cooking operations in which grease laden vapors are or can be created, shall be provided with a Type I hood and fire suppression system.
10. All cooking equipment must be mounted on non-combustible surfaces and maintain all clearance requirements, as recommended by the manufacturer.
11. All hot surfaces and/or cooking areas must be adequately protected from the public.
12. Fire suppression system shall be inspected by a licensed company every six months.
13. A minimum of 1 K- Class fire extinguisher shall be provided.
14. A minimum of 1 2A-10BC fire extinguisher shall be provided.
15. Propane cylinders shall be secured to the vehicle and installed in accordance with NFPA 58.
16. All temporary electrical shall comply with the provisions of this code and any other applicable city ordinances or codes.
- 17.

**6804.3 Maintenance.** Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 6804.3.1 through 6804.3.3.

**6804.3.1 Exhaust system.** The exhaust system, including hood, grease-removal devices, fans, ducts, and other appurtenances shall be inspected and cleaned in accordance with Section 607.3.

**6804.3.2 Fire protection systems and devices.** Fire protection systems and devices shall be maintained in accordance with Section 901.6.

**6804.3.3 Fuel gas systems.** LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

## **SECTION 6805 FIRE EXTINGUISHERS**

**6805.1 Fire Extinguishers.** Fire extinguishers shall be required in mobile food vending units in all of the following locations:

1. Mobile food vending units shall have at minimum one 2A-10BC portable fire extinguisher mounted in a conspicuous place within the kitchen area.

2. Mobile food vending units with portable generators shall have a 2A-10BC portable fire extinguisher in addition to the other fire extinguishers.
3. Mobile food vending units who utilize deep fat fryers, grills, or other cooking devices in which grease laden vapors may be generated, shall have a K Class portable fire extinguisher, as required by Section 904.12.5.
4. Mobile food vending units who utilize solid fuel cooking appliances or devices with a fuel box shall have one 2A fire extinguisher; in addition to the other fire extinguishers.

**6805.2 Inspections.** All portable fire extinguishers shall be serviced, inspected, and tagged at least annually, or as otherwise required by this code or state requirements.

### **SECTION 6806 COMMERCIAL COOKING SYSTEMS**

**6806.1 Commercial cooking systems.** A Type 1 hood shall be installed above all commercial cooking equipment that produce grease laden vapors in accordance with the edition of the International Mechanical Code as adopted by the City and Section 609.

**6806.2 Fire protection for commercial cooking systems.** Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12. All fire suppressions systems shall comply with UL300, or other equivalent standards.

**6806.3 Applicable NFPA Standards.** All commercial cooking systems shall comply with the applicable provisions of the NFPA 96 Annex B, and other applicable standards.

### **SECTION 6807 CLEARANCES**

**6807.1 Clearances.** In addition to the requirements in 6804.2, the following minimum clearances shall be provided from the mobile food vending unit:

Not closer than 20 feet to any structure

1. At least 15 feet from any fire hydrant

**6807.2 Clearance to adjacent mobile food vending units.** A minimum of 10-foot clearance shall be provided to adjacent mobile food vending units.

Exception: When in the opinion of the Fire Code Official, the clearance distance can be reduced if this would not pose any additional risks.

### **SECTION 6808 USE OF LPG**

**6808.1 Use of LPG.** Liquefied Petroleum Gas systems shall comply with Sections 6808.2 through 6808.14.

**6808.2 LPG container location.** Shall be located and secured on the exterior of the mobile food vending unit, open to atmosphere or if containers are kept in compartment, said compartment must

be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.

**6808.2.1 Additional LPG Container Locations.** Propane cylinders, including spare cylinders, shall not be located:

- a. On rear bumpers, on exterior sides of the vehicle, or roofs;
- b. Below the lowest part of the vehicle frame;
- c. Inside improperly vented or unvented compartments, trunks, or beds of vehicles;
- d. Inside passenger compartments of vehicles;
- e. On the ground.

**6808.2.2 Propane storage compartments.** A propane storage compartment on a mobile food vending unit shall be ventilated with at least two vents; one vent must be located at the top of the unit; one vent must be located at the bottom of the compartment. Each vent must have an aggregate area equal to at least 0.5 inches for each seven (7) pounds of the total fuel capacity of the maximum number of the largest cylinders the compartment can hold.

**6808.2.3 Additional propane cylinder requirements.** Propane cylinders must be:

- a. In an upright position at all times;
- b. In good condition without dents, scrapes, gouges, or defects;
- c. Stored at least 10 feet from trash and combustible materials;
- d. Equipped with an approved regulator;
- e. Mounted, used, and stored in compliance with NFPA 58;
- f. Constructed and marked in accordance with specifications for propane cylinders as required by the U.S. Department of Transportation.

**6808.3 No smoking signs.** All mobile food vending units with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four-inch lettering.

**6808.4 Hoses and couplings.** Any hose used to pipe L.P. Gas to a device shall be listed by UL, FM, or other approved agency. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and/or 54. Propane piping cannot be located on the sides, rear, or roof of a mobile food vending unit.

**6808.4.1 Metal Flex Hoses.** Metal flex hose must not penetrate through walls, floor, or ceiling to the interior of the mobile food vending unit. Rigid pipe must be used to penetrate solid assemblies. A maximum of 60 inches of metal flex hose shall be allowed for each appliance to connect to the propane rigid pipe.

**6808.5 Annual Testing.** All piping, hoses, and couplings shall be tested annually at not less than 3psig for 10 minutes before appliances are connected and at system pressure after connection of appliances, by a Texas Railroad Commission licensed LPG Technician. Documentation of the

test, on the approved City of San Marcos form, within 90 days of the inspection, must be provided at the time of the inspection and must include:

- 1.Original testing/inspection document from licensed LPG Technician (copies are not accepted);
- 2.Pressure and duration of test;
- 3.Name, address, license number, and phone number of technician performing test;
- 4.License plate number and vehicle identification number (VIN) of mobile food vending unit.

**6808.6 LPG tank separation distance.** LPG tanks shall be located outside the mobile food establishment a minimum of five feet from the primary means of egress.

Exception. LPG tanks that are installed securely on the unit or as a permanent fixture inside a compartment.

**6808.7 Maximum aggregate volume.** The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed two (2)-100 pounds containers. The cylinders cannot be manifolded together. Each propane cylinder must be requalified every 12 years. A current date of manufacture or requalification stamp is required on all cylinders.

**6808.8 Propane Cylinders at time of inspection.** The permit applicant and/or mobile food vending unit operator will be required to have propane cylinders on the mobile food vending unit at the time of inspection to demonstrate how the cylinders are secured to the vehicle. Propane cylinders must be secured as to prevent the propane bottles from leaving the mount or cage in the event of a vehicle crash or rollover.

**6808.9 Mounting and storage.** The mounting and storage of propane cylinders must be in compliance with NFPA 58.

**6808.10 Manual shut-off valves.** Manual shut-off valves are required at the point of use, on each appliance, and at the source.

**6808.11 Relief Valve Discharge.** The relief valve discharge from the propane cylinder shall not be less than three (3) feet, measured horizontally along the surface of the vehicle to:

1. Openings in the vehicle;
2. Propane burning appliance intake or exhaust vents;
3. All internal combustion engine exhaust terminations.

**6808.12 LP-gas alarms.** A listed LP-gas alarm shall be installed within the mobile food vending unit in the vicinity of LP-gas system components, in accordance with the manufacturer's instructions. The alarm is required to be equipped with back-up battery operation and must be able to activate when the unit is occupied and is not occupied.

**6808.13 Carbon Monoxide Alarm.** A listed carbon monoxide alarm shall be installed within the mobile food vending unit, in accordance with the manufacturer's instructions.

**6808.14 Combination alarm.** A single listed combination alarm meeting the requirements of 6808.12 and 6808.13 is permitted.

**6808.15 Fuel sources other than LPG.** When a fuel source other than LPG is used, it shall be installed and maintained in accordance with this code and any other applicable code. Use of fuels other than LPG shall be subject to the approval of the Fire Code Official.

### **SECTION 6809 SOLID FUEL**

**6809.1 Scope.** The provisions of this section shall apply to the use of wood, charcoal, or other solid fuel.

**6809.2 Fuel Storage.** Solid fuel shall not be stored within 3 feet of any heat producing device, cooking appliance or vent. Solid fuel shall not be stored within 3 feet of any flammable liquids, ignition sources, chemical or food and food supplies.

**6809.3 Debris.** Ash, cinders and other fire debris shall be removed from the firebox or cooking appliance at regular intervals. Removed debris shall be placed in a closed metal container at least 3 feet from the cooking appliances.

### **SECTION 6810 ELECTRICAL**

**6810.1 General.** Mobile food vending units shall meet the following requirements, at a minimum, regarding the electrical components of the unit:

1. Units may not use electricity from a nearby structure;
2. No excessive use of extension cords are permitted; extension cords must comply with 605.5.1 through 605.5.4.
3. Breaker boxes and junction boxes shall have proper cover and comply with 605.6.
4. All wiring must be in conduit and comply with 605.6;
5. The improper use of electrical accessories and overloading of circuits is prohibited;
6. Mobile food vending units must also comply with 605.1, 605.3.1, 605.4, and 605.10.

### **SECTION 6811 GENERATORS**

**6811.1 General.** All generators must be in safe working condition.

**6811.2 Generator Storage Compartment.** The generator storage compartment on or within the mobile food vending unit must be vented to the exterior and properly sealed.

6811.3 Refueling of generators. Shall be performed in an approved manner. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location.

### **SECTION 6812 HOUSEKEEPING**

6812.1 Housekeeping. Trash and other combustible materials shall be removed at regular intervals. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.

6812.2 Clearances. Combustible rubbish shall not be stored, or otherwise located, within 3 feet of any fuel source, ignition sources, or heat producing appliances. Rubbish shall not be located within the means of egress of the mobile food vending unit.

### **SECTION 6813 REVOCATION**

6813.1 Revocation. The Fire Department shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the Fire Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

### **SECTION 6814 VIOLATIONS**

6814.1 Violations. Any vendor or mobile food truck that violates this shall be subject to violations and fines in accordance with Section 109.

**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 adopted on second reading, and publication in accordance with section 3.12 of the City Charter.

**PASSED AND APPROVED** on first reading on March 17, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on April 7, 2020.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney