ORDINANCE NUMBER 1051

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING CHAPTER 150, BUILDING REGULATIONS BY AMENDING SECTION 150.01 CODES ADOPTED BY REFERENCE MORE SPECIFICALLY, THE INTERNATIONAL FIRE CODE (IFC); PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS IN THE CODE OF ORDINANCES; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City seeks to amend the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2015 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this subchapter, of which code and standards copies have been and are now filed in the office of the City Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this subchapter shall take effect, the provisions thereof shall be controlling within the limits of the City.

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to adopt the 2015 Fire Code, along with local amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

That Chapter 150 of the Code of Ordinances of the City of Burkburnett be amended to read as follows:

SECTION 150.01 STANDARD CODES ADOPTED BY REFERENCE WITH AMENDMENTS

(A) The following code is hereby adopted in the 2015 edition by reference as though they were copied herein fully:

International Fire Code (IFC)

(B) The following codes are hereby adopted in their 2015 editions by reference as though they were copied herein fully:

Subchapter A, Chapter 214, Texas Local Government Code
International Codes
International Building Code (IBC)
International Fire Code (IFC)
International Energy Conservation Code (IFCC)
International Fuel Gas Code (IFGC)
International Property Maintenance Code (IPMC)
International Plumbing Code (IPC)
International Mechanical Code (IMC)
International Residential One/Two Family Dwellings
International Existing Building Code (IEBC) 2018 Edition
Electrical Code Administrative Provision

Part 2. Enacted.
That a certain document, three (3) copies of which are on file in the office of the CITY OF BURKBURNETT, being marked and designated as the International Fire Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the CITY OF BURKBURNETT, in the State of Texas for governing requirements for the repair, alteration, change of occupancy, change of ownership, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Established Building Code on file in the office of the CITY OF BURKBURNETT are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Part 3 of this Ordinance.

Part 3. Revisions
The following sections of the International Fire Code are hereby revised:

The code adopted by Code of Ordinance Chapter 150 Building Regulations is amended as provided in this section.

(A) Sec. 101.1 Administration.
Title. These regulations shall be known as the Fire Code of the City of Burkburnett City, hereinafter referred to as “this code.”

(B) Sec. 102.7 is amended by the addition of the following:
Sec. 102.7 Referenced codes and standards. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. The referenced codes and standards referenced in this code are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

(C) Secs. 103.1, 103.2, and 103.3 are amended to read as follows:
Sec. 103 Department of Fire Prevention.
Sec. 103.1 General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Texas City and shall be operated under the supervision of the Fire Marshal, and Chief of the Fire Department.
Sec. 103.2 Appointment. The Fire Marshal in charge of the Division of Fire Prevention shall be appointed by the Fire Chief on the basis of proper qualification.
Sec. 103.3 Deputies. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary and each member so assigned shall be authorized to enforce the provisions of the International Fire Code. [Remainder of section 103 unchanged].

(D) Sec. 105.6 is amended to read as follows:

Sec. 105.6 Required Operational Permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in section 105.6.1 through 105.6.48. Operational permits are required for: Installation of New Fire Alarm Systems, additions or upgrades to Fire Alarm Systems, Re-Test of Fire suppression/alarm Systems, Above ground fuel storage tank, underground storage tanks, removal of underground storage tanks, taking underground tanks out of service, Flammable/Combustible liquid dispensing operations; Dry cleaning plant, Flammable Finish booths (spray booths), Day Care Center, Open burning, New or upgraded Fixed Fire Suppression systems, New Fire sprinkler system installation, additions, alterations upgrades to Fire sprinkler systems, Fire Works Displays, Explosive storage, Storage/Dispensing of compressed gas, Storage/Dispensing of liquefied gas, Tents & Air supported structures. Operating without the required operational permit shall result in a stop work order, as well as a permit fee at twice the rate of the originally required permit. Permit fee schedule is established in Code of Ordinance Chapter 156: Land Usage Fee Schedule and is available at Burk Burnett City Fire Administration Building, as well as the City of Burk Burnett web page www.burkburnett.org. The Commission may change the rates to the attached Exhibit A upon recommendation of fire code officials, by Ordinance, and said amended schedule shall be posted at the Burk Burnett City Fire Administration Building and on the City of Burk Burnett web page.

(E) Section 109.4 is amended by the addition of the following:

Section 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, 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 misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine of not less than TWO HUNDRED AND NO/100 ($200.00), and not to exceed TWO THOUSAND AND NO/100 ($2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(F) Sec. 111 is amended to read as follows:

Sec. 111 Stop Work Orders. Any person, firm, or corporation operating without the required applicable operational permit listed in Sec.105.6 amendment shall be guilty of a misdemeanor and upon conviction in the Municipal Court, shall be subject to a fine of not less than TWO HUNDRED AND NO/100 ($200.00), and not to exceed TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS for each offense. [Remainder of section 111 unchanged.]

(G) Sec. 111.4 is amended to read as follows:

Sec. 111.4 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 for a fine not to exceed TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.
Part 4. Severability
That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Part 5. Repeal of Conflicting Ordinances
All ordinances or parts of ordinances and sections of any of the City Ordinances in conflict with this Ordinance are hereby repealed.

Part 6. Open Meetings.
It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Part 7. Publication
The City Clerk is authorized and directed to publish the caption and penalty prescribed by this Ordinance in accordance with State Law.

Part 8. Effective Date
This Ordinance shall be in force and effect from and after its publication as required by law.

PASSED AND APPROVED ON THIS 18TH DAY OF DECEMBER 2023.

Lori Kemp, Mayor

ATTEST:

Margie Poole, City Clerk