

Ordinance adopting the International Fire Code, 2009 Edition, with local amendments, as the Fire Code of the City of Corpus Christi; providing for penalties; providing for severance; and providing for publication.

Be it ordained by the City Council of the City of Corpus Christi, Texas, that:

Section 1. Section 18-1, Code of Ordinances is revised to read as follows:

"Sec. 18-1. Fire prevention code.

"(a) The International Fire Code, ~~2003~~ 2009 Edition, a copy of which, authenticated by the signatures of the mayor and the city secretary, made public record by this section, and on file in the city secretary's office, is hereby adopted verbatim by reference, as if fully copied at length in this article as the fire prevention code in chapter 18, article I, section 18-1 of the City of Corpus Christi Code of Ordinances.

"(b) Additions, deletions, and changes are made to the International Fire Code, ~~2003~~ 2009 Edition, and correlated to the appropriate paragraph numbers in the International Fire Code as follows;

"(1) Section 101.1 of the International Fire Code is revised to read as follows:

"101.1 Title. These regulations shall be known as the Fire Code of City of Corpus Christi, and may be referred to as "this code."

"(2) Section 101.2.1 of the International Fire Code is revised to read as follows:

"101.2.1 Appendices. Provisions in the appendices may not apply unless specifically adopted. The appendices included in this code and the appendices included in referenced standards are not intended for enforcement unless specifically referenced in the code text or specifically included in this ordinance or necessary to clarify technical issues."

"(3) ~~Sections 103.2 and 103.3 are~~ of the International Fire Code is revised to read as follows:

"103.2 Fire Prevention Bureau. There is hereby established a division of the Fire Department to be called the Fire Prevention Bureau and the person in charge shall be known as the fire code official and/or fire marshal.

~~"103.3 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, may~~

~~not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.~~

~~"103.3.1 Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate may not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection with this code."~~

"(4) Section 104.5 of the International Fire Code is revised to read as follows:

"104.5 *Written notices and citations.* At such time as an inspection is conducted by a representative of the fire prevention bureau and minor fire code violations are found to exist written notice specifying the defects is to be given to the business owner or any person in charge of the premises. A reasonable amount of time must be given to abate the violation. If a violation of the fire prevention code is unabated after written notice and a reasonable amount of time, then the fire official or fire inspector may issue a citation to the business owner or to any person in charge of the premises. However, the following violations are considered to be of a serious nature and citations may be issued immediately without prior written notice.

"104.5.1 Locked or blocked exits in assembly or educational occupancies.

"104.5.2 Nonfunctional or disabled fire alarm system, where required.

"104.5.3 Closed valves to sprinkler system.

"104.5.4 Overcrowded conditions.

"104.5.5 Illegal burning.

"104.5.6 No smoke detectors where required.

"104.5.7 No fire extinguisher where required.

"104.5.8 Any other condition that in the opinion of the fire inspector, poses imminent danger."

"(5) Section 104.10.2 is added to this code to read as follows:

"104.10.2 *Rewards*. The mayor is authorized and directed to make public proclamation in the name of the city offering a reward of five hundred dollars (\$500.00) for the arrest and conviction in a court of competent and final jurisdiction, of any person found guilty of the crime of arson, as defined in the statutes of the state, within the limits of the city and to have the proclamation printed upon placards eight (8) by twelve (12) inches in size and placed in wooden frames, under glass, and posted in at least 20 public buildings in the city."

"(6) ~~Section 105.6.3 is revised to read as follows:~~

~~"105.6.3 *Aviation facilities*. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible liquids."~~

"(8) (6) ~~Sections 105.6.20.1--105.6.20.3~~ 105.6.19.1--105.6.19.3 are added to this code to read as follows:

"~~105.6.20.1~~ 105.6.19.1 Fumigators and thermal insecticidal foggers may pay an annual permit fee in the amount of three hundred fifteen fifty dollars (~~\$315.00~~ 350.00).

"~~105.6.20.2~~ 105.6.19.2 Annual permit holders must call at least twenty-four (24) hours before the fumigation is to begin.

"~~105.6.20.3~~ 105.6.19.3 The fire official is to be notified at least twenty-four (24) hours before any building or structure or ship is to be closed in connection with the use of any toxic or flammable fumigant and at the time the building or structure or ship is released for occupancy.

"(9) (7) ~~Section 105.6.35~~ 105.6.34 of the International Fire Code is revised to read as follows:

"~~105.6.35~~ 105.6.34 *Places of assembly*. An operational permit is required to operate a place of assembly. The permit may not be issued unless all seats, stands and structures conform to the requirements of the Corpus Christi Building Code."

"~~(10)~~(8) Sections 105.6.48--105.6.54 105.6.47--105.6.53 are added to this code to read as follows:

"~~105.6.48-105.6.47~~ Day care facilities. A permit shall be required to operate a day care facility.

"~~105.6.49-105.6.48~~ Foster home/group homes. A permit shall be required to operate a foster home or a group home.

"~~105.6.50-105.6.49~~ High rise life safety systems. No person shall install, enlarge, or extend a high rise life safety system without a permit from the fire code official.

"~~105.6.51-105.6.50~~ Hospitals and nursing homes. A permit shall be required to operate a hospital or nursing home.

"~~105.6.52-105.6.51~~ Restaurants. A permit shall be required to operate a restaurant.

"~~105.6.53-105.6.52~~ Unvented and portable fuel burning heaters. No person shall sell, purchase, or use an unvented portable fuel burning heater within the city limits without a permit.

"~~105.6.54-105.6.53~~ Commercial vent-a-hood cleaning. An operational permit is required to clean commercial vent-a-hoods, documentation must be provided indicating training from a nationally recognized agency complying with NFPA 96."

"~~(11)~~(9) Section 105.7.5 105.7.7 of the International Fire Code is revised by adding a new subdivision 4 to this code to read as follows:

"~~105.7.5-105.7.7~~ Flammable and combustible liquids. A construction permit is required:

* * * * *

"4. The application for a permit to install an above ground flammable or combustible liquid tank shall be accompanied by the following:

"1. Manufacturer's installation requirements.

"2. Listing for tank.

"3. Site plan showing address and proposed installation location."

"~~(12)~~(10) Sections 105.8--105.10 are added to this code to read as follows:

"105.8 Fee Schedule. Applications for permits shall be accompanied by the payment of fees in accordance with the Corpus Christi Fire Prevention Permit Fee Schedule, as follows:

"Corpus Christi Fire Department
"Fire Prevention Permit Fee Schedule

Permit Fee	Fee
Fire/Arson reports	\$ 0.10 per page
After hours <u>overtime</u> inspections <u>surchage</u>	50.00 per hour (3-hour minimum) <u>annually pre-paid</u> <u>prior to scheduling</u> <u>inspection</u>
Airports, heliports and helistops	100.00 annually
Assembly	100.00 annually
Automatic sprinklers, standpipes, and fire lines (testing)	100.00 per visit
Churches (one-time fee--no day care facility on premises)	100.00
Combustible fibers (storage and handling)	100.00 annually
Commercial Vent-A-Hood cleaning	50.00 annually
Compressed gas	100.00 annually
Cryogenic fluids	100.00 annually
Day care facilities (or similar short-term occupancies)	75.00 annually
Demolition w/ explosives	250.00 per event
Dry cleaning plants	100.00 annually
Explosives, blasting agents and ammunition storage	150.00 annually
Extinguishing systems	100.00 per inspection
Fire alarm systems	75.00 per floor <u>--</u> <u>per test visit</u>
Fire alarm systems (required 15,000 square	75.00 per zone <u>--</u> <u>per test visit</u>

foot zones)	
Fireworks display (aerial)	250.00 per display
Fireworks display (non-aerial)	150.00 per display
Flammable and combustible liquids	100.00 annually
Flammable finishes	100.00 annually
Foster homes and group homes	75.00 annually
Fumigation and thermal insecticide fogging	350.00 annually
Hazardous chemicals	100.00 annually
High piled combustible stock	100.00 annually
High rise life safety system (testing before issuance of C. of O.)	200.00 per test
Hospitals and nursing homes	250.00 per facility plus 1.20 per bed
Liquified <u>Liquefied</u> natural gas	100.00 annually
Liquified <u>Liquefied</u> petroleum gas	100.00 annually
Lumber storage	100.00 annually
Mechanical refrigeration	100.00 annually
Open burning	300.00 <u>500.00</u> per day
Organic coatings	100.00 annually
Plans review	150.00 per review
Pressure test (fuel storage tanks and/or product lines)	100.00 per visit
Repair garages	100.00 annually
Restaurants (facilities that accommodate 100 or less occupants)	100.00 annually
Restaurants (facilities that accommodate more than 100 occupants)	100.00 annually
Special events permits	
Exhibits/shows	100.00
Flame effects	150.00
Visual inspection	50.00
Special handling fee (less than 24-hours' notice)	100.00 per inspection

Tank vehicles for flammable and combustible liquids	100.00 annually
Tents and air supported structures	75.00 annually
Tire rebuilding plant	100.00 annually
Underground/aboveground fuel tanks (installation and removal)	100.00 per inspection
Wrecking yard, junkyard or waste handling	100.00 annually

"105.9 *Applications and fees required for failure to pass inspections.* If a site does not meet the standards for issuance of a permit after the first inspection, the applicant must submit a new application and pay a permit fee before any subsequent inspections will be conducted.

"105.10 *Burning permits.* Burning permits will not be issued unless both fire prevention and environmental control division approve the material to be burned.

"~~(13)~~(11) *Section 108 of the International Fire Code* is revised to read as follows:

**"SECTION 108
"MODIFICATION OF FIRE PREVENTION CODE**

"108.1 *Appointment.* The city manager, the fire chief, and the fire marshal, acting together, shall have the power to modify any provision of the fire prevention code, upon application in writing by the owner or lessee or their duly authorized agents, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured and substantial justice done. Such modification shall only be applicable upon the unanimous approval of the city manager, fire chief, and the fire marshal in writing. The particulars of such modification when granted or allowed by such unanimous approval shall be entered into the records of the fire marshal and a signed copy be furnished to the applicant.

"108.2 *Appeals.*

"108.2.1 *General.* Whenever it is claimed that the provisions of this code do not apply, or when it is claimed that the true intent and meaning of this code or any of the regulations of this code have

been misconstrued or incorrectly interpreted, the owner of such building or structure, or the owner's duly authorized agent, may appeal the decision of the fire official to the city manager by filing notice of appeal with the fire chief. Notice of appeal shall be in writing and filed within 15 days after the decision is rendered by the fire official.

"108.2.2 *Unsafe or Dangerous Building.* In case of a building, structure or operation which, in the opinion of the fire official, is unsafe or dangerous, the fire official may, in his or her order, limit the time for such appeal to a shorter period.

"108.3 *Decisions.*

"108.3.1 *Variances.* The city manager, fire chief, and fire marshal, collectively, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code or public interest, or when, in its opinion, the interpretation of the fire official should be modified or reversed.

"108.3.2 *Action.* In every case, reach a decision without unreasonable or unnecessary delay. Each decision shall also include the reasons for the decision. If a decision reverses or modified a refusal, order, or disallowance of the fire official, or varies the application of any provision of this code, the fire official shall immediately take action in accordance with such decision.

"108.3.3 *Decisions Are Final.* Every decision of the city manager, fire chief, and fire marshal shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

"108.4 *Limitations on authority.* An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

"108.5 *Administration.* "The code official shall take action in accordance with the decision of the board."

~~"(14)-(12)~~ Section 109.3 of the International Fire Code is revised to read as follows:

"109.3 *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 code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not less than fifty (\$50) dollars and not more than two thousand (\$2,000) dollars . Each day that a violation continues after due notice has been served shall be deemed a separate offense."

~~"(15)-(13)~~ Section 110.1 of the International Fire Code is revised to read as follows:

"110.1 *General.* All buildings or structures which do not provide adequate egress, which constitute a fire hazard, or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health are considered unsafe buildings. All such unsafe buildings are hereby declared illegal, and the fire official shall refer the building to the Zoning and Code Enforcement Administrator for abatement by repair and rehabilitation or by demolition."

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~~"(16)-(14)~~ Section 111.4 of the International Fire Code is revised to read as follows:

"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 fifty (\$50.00) dollars or more than two thousand (\$2,000) dollars."

~~"(17)-(15)~~ Section 202 of the International Fire Code is revised by adding definitions for the terms "condominium" and "dwelling, multiple unit" and by adding the word "condominium" to the R-2 occupancy classification in this code, to read as follows:

* * * * *

"*Condominium.* A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property."

* * * * *

"Dwelling, multiple unit. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

* * * * *

"Occupancy classification. For the purposes of this code, certain occupancies are defined as follows:

* * *

"R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

* * *

"Condominiums"

* * * * *

"(16) Section 308.1.4 of the International Fire Code is revised to read as follows:

"308.1.4 Open-flame cooking devices.

"No person shall install or operate a stove, oven, or barbecue pit, whether portable, temporary or permanent, on the premises of multi-family dwellings, apartments, condominiums, attached single family or hotels, when such stove, oven or barbecue pit is located less than ten (10) feet from any portion of a combustible building, including but not limited to decks, arches, balconies, walls or verandas. This section does not apply to one-family and two-family dwellings or to a stove, oven or barbecue pit installed inside multi-family dwellings, apartments, condominiums, attached single family or hotels in accordance with the city building codes."

"(17) Sections 308.1.8 and 308.1.8.1 of the International Fire Code are revised to read as follows:

"308.1.8 Flaming food and beverage preparation. The preparation or serving of flaming beverages is prohibited. The preparation of flaming foods in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.1.8.1 through 308.1.8.5.

"308.1.8.1 Dispensing. Flammable or combustible liquids used in the preparation of flaming foods shall be dispensed from one of the following:

1. A 1-ounce (29.6ml) container; or
2. A container not exceeding 1-quart (946.5ml) capacity with a controlled pouring device that will limit the flow to a 1-ounce (29.6ml) serving."

* * *

"(18) Sections ~~316 and 317~~ 318 and 319 are added to this code to read as follows:

"SECTION ~~316~~ 318
"CONVALESCENT HOMES, HOMES FOR
"THE AGED, AND NURSERIES

"~~316.1~~ 318.1 Heating. Buildings occupied for the purposes of convalescent homes, homes for the aged, and nurseries shall have central heating plants with installation so as to safeguard the inherent fire hazard.

"~~316.2~~ 318.2 Portable heaters. The use of portable heaters of any kind is prohibited.

"~~316.3~~ 318.3 Lighting. Lighting shall be restricted to electricity.

"SECTION ~~317~~ 319
"COMMERCIAL LAUNDRIES

"~~317.1~~ 319.1 Vents and lint collectors. Vents and lint collectors shall be installed and maintained so that lint does not accumulate in the chase or area behind the dryers or the roof of the building."

"(19) Section 503.1.1 of the International Fire Code is revised 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 hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall allow access to three (3) sides of buildings in excess of fifteen thousand (15,000) square feet and all sides for buildings in excess of thirty thousand (30,000) square feet. During construction, when combustibles are brought on to the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.

"Exception: When conditions prevent the installation of an approved fire apparatus access road, the code official may permit the installation of a fire-protection system or systems in lieu of a road, provided the system or systems are not otherwise required by this or any other code.

"(20) Section 503.3 of the International Fire Code is revised to read as follows:

"503.3 *Marking.* Where required by the fire code official, approved signs or other approved notices that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated ~~Signs or notices~~ shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Fire department access roadways designated by the code official in accordance with the Fire Prevention Code shall be marked by the property owner along the perimeter with conspicuous signs which have the words, "Fire Lane - No Parking" in red four-inch high letters on a white background at fifty-foot intervals. Signs shall be a minimum of five (5) feet above the ground to the bottom of the sign and a maximum of eight (8) feet above the ground to the top of sign. In lieu of signs, ~~f~~Fire lanes shall may also be marked along curbing with the wording, "Fire Lane - No Parking" in white four-inch high letters on a red background stripe at fifteen-foot intervals. Exception: Universal "No Parking" signs may be used in lieu of the above.

"(21) *Section 503.4.1* is added to this code to read as follows:

503.4.1 Authority for removal. The owner of premises at or upon which a fire lane is required, or the agent of the owner, may have any vehicle that is parked in the fire lane, except an authorized emergency vehicle, removed and stored at the expense of the owner or operator of the vehicle, and subject to removal by the fire official, his or her designated assistants, or a police officer.

"(22) ~~Section 508.5.4~~ 507.5.1 *of the International Fire Code* is revised to read as follows:

~~508.5.1 Water supply.~~ 507.5.1 Where required. All premises, other than one-family and two-family detached dwellings, where buildings or portions of buildings are located more than one hundred fifty (150) feet from a fire hydrant shall be provided with approved on-site fire hydrants and water mains capable of supplying the fire flow required by the fire code official. The location and number of on-site hydrants shall be as designated by the fire code official, with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding three hundred (300) feet but in no case shall hose lengths be greater than three hundred (300) feet. Public hydrants are recognized as meeting all or part of the above requirements.

"(23) ~~Section 508.5.7~~ Section 507.5.7 is added to this code to read as follows:

~~508.5.7~~ 507.5.7 *No parking near hydrant.* No automobile, truck, or other vehicle shall be parked closer than fifteen (15) feet to any fire hydrant."

"(24) ~~Section 603.4~~ Section 603.10 is added to this code to read as follows:

~~603.4 Portable Unvented Heaters~~ 603.10 Portable Liquid Fuel Burning Heaters. The sale or use of any type of portable liquid fuel burning heater is prohibited. Construction sites and commercial sites, where flammable or combustible vapors are not present are exempt from this requirement with approval of the fire code official. A permit shall be required for the use of portable liquid fuel burning heaters. The sale or use of unvented fuel heaters at construction sites and commercial sites is prohibited, except that unvented portable liquid fuel burning heaters having the following safeguards may be approved for use:

- "1. Automatic means of shutting off fuel when heater is upset.
- "2. Adequate guards to protect persons against contact with flame or combustion chamber.
- "3. Listed by nationally recognized testing agency.

"(25) Section 907.1.1 of the International Fire Code is revised to read as follows:

"907.1.1 *Construction documents.*

1. Construction documents for fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code, the International Building Code, and relevant laws, ordinances, rules and regulations, as determined by the fire code official.

2. Construction documents for fire alarm systems shall be submitted for review and approval prior to system installation.

3. Two (2) complete sets of plans shall be provided to the fire prevention bureau.

4. These plans shall bear the signature and license number of the licensed fire alarm planning superintendent, the date of proposed installation and the name, address, and certificate-of-registration number of the registered firm.

5. Any plans not drawn or submitted by a licensed planning superintendent will not be accepted. ~~Other specific information on submittal information can be obtained from the fire official. Construction documents shall include, but not be limited to, all of the following:~~

"(26) Section 907.2.3 of the International Fire Code is revised to read as follows:

"907.2.3 *Group E.* A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Smoke alarms shall be installed in at all educational occupancies including but not limited to day care centers, elementary and secondary schools, and all portable buildings. These devices shall be installed in accordance

with the rules for "partial smoke detection systems", except day care centers which will require additional protection in every room in which children sleep. Smoke alarms shall be listed and meet the installation requirements of NFPA 72.

"(27) Section 907.2.24 is added to this code to read as follows:

"907.2.24 Cooking operations. In the event the building has a fire protective signaling system, the fire suppression system for cooking operations shall be connected to the fire protective signaling system.

~~"(28) Section 907.10 is revised to read as follows:~~

~~907.10 Alarm notification appliances. Alarm notification appliances shall be provided and shall be listed for their purpose.~~

~~1. Audible warning signals shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.~~

~~2. Visual signals shall be accompanied by simultaneous audible signals for the benefit of the visually impaired.~~

~~3. Visual signals shall consist of the letters FIRE in a flashing manner when activated. The lettering, size, color and location of legally required visual signal shall be subject to the approval of the fire official.~~

"(28) Section 912.2.3 is added to this code to read as follows:

"912.2.3 Proximity to hydrant. Fire department connections from each sprinkler or standpipe shall be located not more than 100 feet (30 mm) from the nearest fire hydrant connected to an approved water supply."

"(29) Section 2206.2.3 of the International Fire Code is revised and amended by adding a new subdivision 5 to this code to read as follows:

"2206.2.3 Above-ground tanks located outside, above-grade.

* * *

"2. Above-ground tanks used for above-grade storage of Class II or IIIA liquids are allowed to be protected above-ground tanks or, when approved by the fire code official, other above-ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2206.2.3.

but may only be located within a light and heavy industrial zoning districts.

"3. Tanks containing fuels may not exceed ~~6,000~~ 10,000 gallons in individual capacity or ~~48,000~~ 30,000 gallons in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

* * *

"5. Above-ground tanks storing Class I, II, or IIIA liquids shall be inspected annually by a company holding a Type A license issued by the Texas Commission on Environmental Quality. Any tank found to be damaged or not installed in accordance with its listing or this code shall be immediately reported to the fire code official."

"(30) Section 3301.2.4 of the International Fire Code is revised to read as follows:

"3301.2.4 *Financial responsibility.* Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in an amount deemed adequate by the fire code official or a public liability insurance policy for the same amount, 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.

"(31) Section 3308.5 of the International Fire Code is revised to read as follows:

"3308.5 *Storage of fireworks at display site.* The storage of fireworks at the display site shall comply with the requirements of this section and NFPA 1123 or NFPA 1126 and shall be approved by the fire code official. At no time shall the amount of explosive compound exceed the amount necessary for one (1) show date consumption.

"(32) Section 3308.11 is revised to read as follows:

~~"3308.11 Restricted Use. A person commits an offense if the person manufactures, assembles, stores, transports, receives, deep, sells, offers, or has in their possession with intent to sell, delivery to any person or place, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action or have in their possession or on their person or under their control any fireworks or any description except as provided in this code. The fire official shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the fire official, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.~~

~~"(33) Sections 3308.12- 3308.17 are added to read as follows:~~

~~"3308.12 Removal and disposal. The presence of any fireworks within the city or within five thousand (5,000) feet of the city limits, except fireworks for a public display authorized by the Fire Official, is declared to be a common and public nuisance and detrimental to the public health, safety and general welfare and constitutes a violation of this Code. The fire official is directed and required to seize and cause to be safely destroyed any fireworks found within the city or in violation of the other provisions of this fire prevention code. Any member of the fire department of the city or any police officer is empowered to seize any fireworks found within the city or within five thousand (5,000) feet of the city limits in violation of this article and cause the fireworks to be safely destroyed.~~

~~"3308.13 Definition. Fireworks' means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, pop pops (such as: pop tops, pow-wow, fun snaps, or similar explosive devices which can be projected, tossed, thrown, or dropped), skyrockets, roman candles, daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" may not include any auto flares, paper caps which contain twenty five hundredths (0.25) of a grain of explosive content or less per cap and are used with toy pistols, toy canes, toy guns, model rocket propulsion motors, or other~~

~~similar devices, the sale and use of which shall be permitted at all times.~~

~~"3308.14 Applicability. The provisions of this section apply to all of the area within the city and to all of that area adjacent to the city and within five thousand (5,000) feet of the city limits; provided, however, that no change in the city limits occurring after August 4, 1976, shall affect an expansion of the area in which this chapter applies until the 120th day following the effective date of such change in the city limits.~~

~~"3308.15 Duties of City Attorney. Notwithstanding any penal provisions of this article, the City Attorney is authorized to file suit on behalf of the city or the fire marshal or both, for injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the city and to aid the fire marshal in the discharge of his or her duties and to prevent any person from interfering with the seizure and destruction of such fireworks, but it may not be necessary to obtain any such injunctive relief as a prerequisite to such seizure or destruction.~~

~~"3308.16 Defense in prosecution. In any prosecution for any violation of this chapter, it may not be necessary for the prosecution to negate any proviso exception, but the same may be raised by the defendant by way of defense. The possession of a permit from the fire official shall constitute a defense to the persons named in such permit or in place of the persons named in such permit.~~

~~"3308.17 Penalty. A person commits an offense if the person manufactures, assembles, stores, transports receives, keeps, sells, offers, or has in their possession with intent to sell, deliver to any person or place, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action or has in their possession or on their person or under their control any fireworks of any description except as provided in this code. Any person, upon conviction of an offense for violation of any provision of this chapter, shall be fined not more than two thousand dollars (\$2,000.00). If any fireworks are separately wrapped or packaged, any act required by this chapter involving each separately wrapped or packaged fireworks constitutes a separate offense. Each day that a violation of this chapter shall continue with respect to any package of fireworks shall constitute a separate offense. A person commits an offense if the person uses, discharges, causes to be discharged, ignites, detonates, fires or otherwise sets in action any fireworks and upon conviction shall be fined as above provided.~~

"(34) (32) Section-3309 3310 is added to this code to read as follows:

**"SECTION-3309 3310
"INDOOR FIRE WORKS SPECIAL EFFECTS**

"~~3309.1~~ 3310.1 Indoor Permit

"~~3309.1.1~~ 3310.1.1 No person shall discharge any fireworks inside any building without a permit. Such permit shall describe the explosive compounds to be used and the amount per show.

"~~3309.1.2~~ 3310.1.2 Prior to the issuance of a permit for indoor fireworks, the operator shall file an application with the fire official, stating the operator's qualifications and other information as deemed necessary by the fire official to certify that the operator for which application has been made is capable of safely discharging such fireworks as described to the satisfaction of the fire official.

"~~3309.1.3~~ 3310.1.3 No permit once issued may be transferred to another location nor another operator. Any change in the information listed on the permit will require a new permit. Any time the circumstances for which the permit was issued change, the permit is void.

"~~3309.1.4~~ 3310.1.4 No permit shall be issued until the show setup is approved by the fire official or his or her designee prior to the first show.

"~~3309.1.5~~ 3310.1.5 No permit shall be issued unless the building listed as the location of the display has had a current fire inspection and is in compliance with this code.

"~~3309.2~~ 3310.2 Location and Amount

"~~3309.2.1~~ 3310.2.1 The location of the fireworks display shall be specified as to street address, building designation and exact area within the building to allow the fire official to determine that the proposed display can safely be discharged as approved.

"~~3309.2.2~~ 3310.2.2 At no time shall the amount of explosive compound inside the building listed on the permit exceed the amount necessary for one (1) show date consumption.

"~~3309.2.3~~ 3310.2.3 The pyrotechnic operator shall be licensed by the State of Texas as required by the Fireworks Rules of the State of Texas.

~~"3309.2.4~~ 3310.2.4 A public display permit shall also be obtained as required by the Fireworks Rules of the State of Texas."

"(33) Section 3311 is added to this code to read as follows:

"SECTION 3311
CONSUMER FIREWORKS

"3311.1 Restricted Use. A person commits an offense if the person manufactures, assembles, stores, transports, receives, keeps, sells, offers, or has in his possession with intent to sell, delivery to any person or place, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action or have in his possession or on his person or under his control any consumer fireworks or any description except as herein provided. The fire official shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the fire official, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.

"3311.2 Removal and Disposal. The presence of any consumer fireworks within the city or within five thousand (5,000) feet of the city limits, except fireworks for a public display authorized by the Fire Official, is declared to be a common and public nuisance and detrimental to the public health, safety and general welfare and constitutes a violation of this Code. The fire official is directed and required to seize and cause to be safely destroyed any consumer fireworks found within the city or in violation of the other provisions of this fire prevention code. Any member of the fire department of the city or any police officer is empowered to seize any consumer fireworks found within the city or within five thousand (5,000) feet of the city limits in violation of this article and cause the consumer fireworks to be safely destroyed.

"3311.3 Definition. Consumer fireworks means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, pop pops (such as: pop tops, pow-wow, fun snaps, or similar explosive devices which can be projected, tossed, thrown, or dropped), skyrockets, roman candles,

daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance that are not fireworks approved for use at an approved fireworks display under Section 3308, except that the term "consumer fireworks" shall not include any auto flares, paper caps which contain twenty-five hundredths (0.25) of a grain of explosive content or less per cap and are used with toy pistols, toy canes, toy guns, model rocket propulsion motors, or other similar devices, the sale and use of which shall be permitted at all times.

"3311.4 Applicability. The provisions of this section apply to all of the area within the city and to all of that area adjacent to the city and within five thousand (5,000) feet of the city limits; provided, however, that no change in the city limits occurring after August 4, 1976, shall affect an expansion of the area in which this chapter applies until the 120th day following the effective date of such change in the city limits.

"3311.5 Duties of City Attorney. Notwithstanding any penal provisions of this article, the City Attorney is authorized to file suit on behalf of the city or the fire marshal or both, for injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of consumer fireworks within the city and to aid the fire marshal in the discharge of his duties and to prevent any person from interfering with the seizure and destruction of such consumer fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure or destruction.

"3311.6 Defense in prosecution. In any prosecution for any violation of this chapter, it shall not be necessary for the prosecution to negate any proviso exception, but the same may be raised by the defendant by way of defense. The possession of a permit from the fire official shall constitute a defense to the persons named in such permit or in place of the persons named in such permit.

"3311.7 Penalty. A person commits an offense if the person manufactures, assembles, stores, transports receives, keeps, sells, offers, or has in his possession with intent to sell, deliver to any person or place, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action or has in his possession or on his person or under his control any consumer fireworks of any description except as herein provided. Any person, upon conviction of an offense for violation of any provision of this chapter, shall be fined not more than two thousand dollars (\$2,000.00). If any

consumer fireworks are separately wrapped or packaged, any act required by this chapter involving each separately wrapped or packaged consumer fireworks constitutes a separate offense. Each day that a violation of this chapter shall continue with respect to any package of consumer fireworks shall constitute a separate offense."

~~"(35) Section 3403.2.2 is added to read as follows:~~

~~"3403.2.2 Fire hydrants. Fire hydrants shall be provided in accordance with Chapter 5 of this ordinance.~~

~~"(36) (34) Section 3405.3.3 of the International Fire Code is revised to read as follows:~~

~~"3405.3.3 Heating, lighting and cooking appliances. Heating, lighting and cooking appliances which utilize Class I liquids may not be operated within a building or structure.~~

~~"Exception: Operation in single-family dwellings."~~

~~"(37) (35) Section 3801.1 of the International Fire Code is revised to read as follows:~~

~~"3801.1 Scope. Storage, handling and transportation of LP-gas and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58. The transportation, storage, handling and use of liquefied petroleum gas and the installation and maintenance of all pertinent equipment is subject to the approval of the fire official.~~

~~"(38) (36) Section 3803.1 of the International Fire Code is revised to read as follows:~~

~~"3803.1 General. Liquefied petroleum gas equipment shall be installed in accordance with the International Fuel Gas Code and NFPA 58, except as otherwise provided in this chapter or in other laws or regulations legally in effect.~~

~~"3803.1.1 Within the limits of the City of Corpus Christi no storage container shall be installed, erected or used for a capacity to hold more than one hundred fifty (150) water gallons, except as follows:~~

~~"3803.1.1.1 Installations accessory to service stations as permitted by the zoning ordinance, when the aggregate capacity of any one~~

(1) installation does not exceed two thousand (2,000) gallons of water capacity.

"3803.1.1.2 Installations accessory to industrial uses permitted in areas zoned industrial, when the aggregate capacity of any one such installation does not exceed two thousand (2,000) gallons of water capacity, except that in particular installations this capacity limit may be altered at the discretion of the Fire Official to increase the maximum allowable capacity to not more than eight thousand (8,000) gallons of water capacity after consideration of special features such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the local fire department.

"3803.1.1.3 Installations in ~~area zoned for I-3 "heavy industrial"~~ use a heavy industry zoning district.

"3803.1.1.4 The restrictions in Section 3803.1.1 to do not apply to containers used for transportation purposes.

"3803.1.1.5 Containers larger than ~~on~~ one hundred fifty (150) water gallons capacity may be authorized and installed only after applicant has first obtained and presented to the Fire Official a written approval of such installation of the Director, Liquefied Petroleum Gas Division, Railroad Commission of Texas.

"~~(39)~~ (37) Section 3804.4 of the International Fire Code is revised to read as follows:

"3804.4 Multiple container installation. Multiple container installations in ~~an area zoned I-3 "heavy industrial"~~ a heavy industry zoning district with a total storage water capacity of more than 180,000 gallons (681 300 L) [150,000-gallon (567 750 L) LP-gas capacity] shall be subdivided into groups containing not more than 180,000 gallons (681 300 L) in each group. No individual container may exceed thirty thousand (30,000) gallons water capacity. Such groups shall be separated by a distance of not less than 50 feet (15 240 mm), unless the containers are protected in accordance with all of the following one (1) through four (4) or five (5):

"(c) Appendices: Appendix A, Board of Appeals; Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix D, Fire Apparatus Access Roads; Appendix E, Hazard Categories; Appendix F, Hazard Ranking; Appendix G, Cryogenic Fluids-Weight and Volume Equivalents of the International Fire Code are solely for the

purpose of providing information, recommended practices, and to clarify technical issues and may not have the force and effect of law.

"(d) Violation of this code: Any person, firm, or corporation who violates a provision of this code is guilty of a misdemeanor and is liable to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00). Each person, firm, or corporation is guilty of a separate offense for each and every day during which any violation of any of the provisions of this code is committed or continued. The owner or owners of any building or structure failing to comply with any of the provisions of this code, and the owner or owners of any premises where a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm, or corporation employed therewith and who has assisted in the commission of any such violation, is guilty of a separate offense.

Section 2. A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable under Section 18-1(d), Code of Ordinances.

Section 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

Section 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the _____ th day of _____, _____.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor