

Ordinance amending Chapter 18 of the Corpus Christi Code to adopt with local amendments, the International Code Council's 2021 editions of the International Fire Code; Providing for a penalty not to exceed \$2,000 and publication.

WHEREAS, the City of Corpus Christi has established the Construction Trade Advisory & Appeals Board for the purpose of obtaining public comment on the proposed adoption of or amendment to a national model code;

WHEREAS, the Construction Trade Advisory & Appeals Board as held a public meeting on the national model code adoptions with local amendments provided herein;

WHEREAS, from December 22, 2022 to January 24, 2023 the Ordinance adopting the International Fire Code, 2021 Edition, with local amendments, as the Fire Code of the City of Corpus Christi was published conspicuously on the City of Corpus Christi Fire Department website;

WHEREAS, the International Code Council provides free online access to the International Fire Code being adopted; and

WHEREAS, a fine or penalty for the violation of a rule, ordinance, or police regulation may not exceed \$500 except that a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000 per Texas Local Government Code 54.001.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The Corpus Christi Code, Chapter 14, Sec. 14-231 - Building code is repealed and replaced by adding the following language as delineated below:

Sec. 18-1. - Fire prevention code.

The International Fire Code, 2021 Edition, as published by the International Code Council, is incorporated by reference and adopted as the Fire Code for the City of Corpus Christi with the following local amendments (Additions to the International Fire Code are shown as underlined text. Deletions to the International Fire Code are shown as strikethroughs):

101.1 Title.

These regulations shall be known as the *Fire Code* of The City of Corpus Christi, hereinafter referred to as "this code."

101.2.1 Appendices. ~~Provisions in the appendices shall not apply unless specifically adopted.~~ Appendix D Fire Apparatus Access Roads is adopted.

102.3 Change of use or occupancy ~~A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the international building code.~~

Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

~~Exception: Where approved by the Fire Code official, a change of occupancy shall be permitted without complying with the requirements of this code and the International Existing Building Code, provided that the new or proposed use is less hazardous based on life and fire risk, than existing use or occupancy.~~

103.1 Creation of agency. ~~The (insert name of department) is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.~~ **General.** The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. ~~The fire code official shall be appointed by the chief appointing authority of the jurisdiction.~~ **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 official and/or fire marshal.

105.5.21 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room vault or chamber in which a toxic or flammable fumigant is used.

1. Fumigators and thermal insecticidal foggers may pay an annual permit fee in the amount of two hundred dollars (\$200.00).

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

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.

105.5.49 Temporary membrane structures and tents

An operational permit is required to operate an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents and awnings open on all sides which comply with all of the following:
 - 2.1 Individual tents shall have a maximum size of 700 square feet (65 m square).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m square).
 - 2.3 A minimum clearance of 12 feet (3658 mm) to and other tents shall be maintained.
3. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

105.5.53 Child/Adult Day Care Facilities

A permit shall be required to operate a day care facility.

105.5.54 Foster Home/Group Homes

A permit shall be required to operate a foster home or a group home.

105.5.55 High rise life safety systems.

No person shall install, enlarge, or extend a high-rise life safety system without a permit from the fire official.

105.5.56 Hospitals, Stand-alone emergent care facilities, Institutional Assisted living, memory care facilities and Nursing Homes

A permit shall be required to operate a hospital, Stand-alone emergent care facility, Institutional Assisted living, memory care facilities or nursing home.

105.5.57 Restaurants

A permit shall be required to operate a restaurant.

105.5.58 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.

105.5.59 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.

105.6.8 Flammable and combustible liquids. A construction permit is required.

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable

and combustible liquids are produced, processed, transported, stored, dispensed or used.

3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

4. The application for the permit to install an aboveground 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.

105.6.15 LP-gas. A construction permit is required for installation of or modification to an LP-gas system by a licensed installer certified by the Texas Railroad Commission. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

105.7 Burn permits. Burn permits will not be issued unless both Fire Prevention and Environment Control Division approve the material to be burned.

107.2.1 Applications and fees required for failure to pass inspections.

If a site does not meet the standards after the first inspection or is not cancelled prior to the arrival of the inspector, the applicant must pay a new permit fee before any subsequent inspections will be conducted.

109.3 Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period where specified in this code or referenced standards. Records shall be made available for inspection by the fire code official and a copy of the records shall be provided to the fire code official upon request.

The fire code official is authorized to prescribe the form and format of such recordkeeping. The fire code official is authorized to require that certain required records be filed with the fire code official.

The fire code official may utilize a third-party inspection reporting system for the prescribed recordkeeping. The administrative fee for submittals to third party inspection reporting system is \$12.00 per system, per annum.

111.1.2 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.

111.1.3 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.

111.1.3.1 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.

111.1.4 Decisions. 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 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.

111.1.4.1 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 act in accordance with such decision.

111.1.4.2 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.

112.3.2 Written Notices and citations. Compliance with orders and notices. ~~A notice of violation issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains. When 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 shall 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.~~

- 1. Locked or blocked exits in assembly or educational occupancies.**
- 2. Nonfunctional or disabled fire alarm system.**
- 3. Closed valves to sprinkler system.**

4. Overcrowded conditions.

5. Illegal burning.

6. No smoke detectors where required.

7. No fire extinguisher where required.

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

112.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than \$2,000. ~~or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

113.4 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 ~~subject liable to fines~~ a fine established by the authority having jurisdiction. ~~of not more than \$2,000.~~

CONDOMINIUM. A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common area 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:

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

- Apartment houses
- Boarding houses (not transient)
- Condominiums
- Congregate living

Convents
Dormitories
Fraternities and sororities
Hotels (non transient)
Live/Work units
Monasteries
Motels (non transient)
Vacation timeshare properties

308.1.4 Open-flame cooking devices. ~~Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.~~

Exceptions:

- ~~1. One- and two-family dwellings.~~
- ~~2. Where buildings, balconies and decks are protected by an automatic sprinkler system.~~
- ~~3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].~~

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, or commercial businesses 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.

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.

SECTION 322
CONVALESCENT HOMES, HOMES FOR THE
AGED, AND NURSERIES

322.1 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.

322.2 Portable heaters.

The use of portable heaters of any kind is prohibited.

322.3 Lighting.

Lighting shall be restricted to electricity.

SECTION 323 **COMMERCIAL LAUNDRIES**

323.1 Vents and lint collectors. Vents and lint collectors shall be installed and maintained as per 2021 International Plumbing Code and International Mechanical code, so that lint does not accumulate in the chase or area behind the dryers or the roof of the building.

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. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 Ft (45 720mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception:

1. 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.

- ~~1. The fire code official is authorized to increase the dimensions of 150 feet (45 720 mm) where any of the following conditions occur:
 - ~~1.1 The building is equipped throughout with an automatic sprinkler system installed in accordance with 903.3.1.1, 903.3.1.2, or 903.3.1.3.~~
 - ~~1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions and an approved alternative means of fire protection is provided.~~
 - ~~1.3 There are not more than two Group R-3 or Group U occupancies.~~~~

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 prohibit the obstruction thereof. The means by which *fire lanes* are designated 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, fire lanes may 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.

503.4.2 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.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

All premises, other than one-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 hydrants and water mains capable of supplying the fire flow required by the fire official. The location and number of on-site hydrants shall be as designated by the fire 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.

Exceptions:

1. For Group R-3 and group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be ~~600~~ 500 feet (152.4 m).

603.11 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 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.

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 42-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a mini-mum rating of 2-A:20-B:C.
3. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:
 - 3.1. Use of vehicle-mounted extinguishers shall be approved by the fire code official.
 - 3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.
 - 3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.
 - 3.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.
 - 3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.
42. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
53. In areas where flammable or combustible liquids are stored, used or dispensed.
64. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3316.1.
75. Where required by the sections indicated in Table 906.1.
86. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Exception: Portable fire extinguishers are not required at normally unmanned Group U occupancy buildings or structures where a portable fire extinguisher suitable to the hazard of the location is provided on the vehicle of visiting personnel.

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. Day care centers and classrooms will require

additional smoke detection with sounder base in every room in which children sleep. Smoke alarms shall be listed and meet the installation requirements of NFPA 72. Where *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

~~1. A manual fire alarm system shall not be required in Group E occupancies with an occupant load of 50 or less.~~

1.2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

23. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:

32.1. Interior corridors are protected by smoke detectors.

32.2. Auditoriums, cafeterias, gymnasiums, and similar areas are protected by heat detectors or other approved detection devices.

32.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

32.4. Manual activation is provided from a normally occupied location.

34. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:

43.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

43.2. The emergency voice/alarm communication system will activate on sprinkler water flow.

43.3. Manual activation is provided from a normally occupied location.

4. If a home daycare meets the requirements of a E occupancy, A manual fire alarm system is not required in a residential home daycare licensed for more than five (5) but no more than 12 children over the age of 2-1/2 years of age that have all the following:

a. Hard wired (120 volt) interconnected smoke alarms or battery-operated smoke alarms installed in all rooms except bathrooms, closets, etc.

b. A heat detector installed in the kitchen

c. A residential hood fire extinguishing system or a minimum of one stovetop firestop cartridge per two stove burners.

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.

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

2306.2.3 Aboveground tanks located outside, above grade. Above-ground tanks shall not be used for storage of Class I, II or III liquid motor fuels except as provided in this section.

1. Above-ground tanks used for outdoor, above-grade storage of Class I liquids shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.
2. Above-ground tanks used for outdoor, above-grade storage of Class II or IIIA liquids shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.
Exception: Other above-ground tanks that comply with Chapter 57 where approved by the fire code official.
3. Tanks containing fuels shall not exceed 10,000 gallons ~~12,000 gallons (45 420 L)~~ in individual capacity or 30,000 gallons ~~48,000 gallons (181 680 L)~~ in aggregate capacity. Installations with the maximum allowable aggregate shall be separated from other such installations by not less than 100 feet (30 480 mm).
4. Tanks located at farms, construction projects or rural areas shall comply with Section 5706.2.
5. Above-ground tanks used for outdoor, above-grade storage of Class IIIB liquid motor fuel shall be listed and labeled in accordance with UL 142 or listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.
6. 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.

5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond ~~in the principle sum of \$100,000~~ 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.

5608.5 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.

SECTION 5610 **INDOOR FIREWORKS SPECIAL EFFECTS**

5610.1 Indoor permit.

5610.1.1. 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.

5610.1.2 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.

5610.1.3 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.

5610.1.4 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.

5610.1.5 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.

5610.2 Location and amount.

5610.2.1 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.

5610.2.2 At no time shall be amount of explosive compound inside the building listed on the permit exceed the amount necessary for one (1) show date consumption.

5610.2.3 The pyrotechnic operator shall be licensed by the State of Texas as required by the Fireworks rules of the State of Texas.

5610.2.4 A public display permit shall also be obtained as required by the Fireworks Rules of the State of Texas.

SECTION 5611 **CONSUMER FIREWORKS**

5611.1 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 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.

Removal and Disposal. The presence of any consumer fireworks within the city 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 may 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 fireworks found within the city in violation of this article and cause the consumer fireworks to be safely destroyed. Unopened packaged fireworks may not be confiscated.

It is an affirmative defense to prosecution for possession of fireworks brought under this section that:

- (1) the defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
- (2) the fireworks were not in the passenger area of the vehicle.

(c) For purposes of this section, the "passenger area" of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:

- (1) a locked glove compartment or similar locked storage area.

- (2) the trunk of a vehicle; or
- (3) the area behind the last upright seat of a vehicle that does not have a trunk.

5611.3 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, 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.

5611.4 Applicability. The provisions of this section apply to all the area within the city 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.

5611.5 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 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 fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure or destruction.

5611.6 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.

5611.7 Penalty. A person commits an offense if the person manufactures, assembles, stores, transports receive, 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 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 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.

6101.1. 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.

6103.1 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.

6104.2 ~~Maximum capacity within established limit~~ ~~Within the limits established by law restricting the storage of liquified petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 (7570 L).~~ **Specified maximum capacity 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:

1. Installation's accessory to service stations as permitted by the zoning ordinance, when the aggregate capacity of anyone (1) installation does not exceed two thousand (2,000) gallons of water capacity.

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.

3. Installations in heavy industry zoning district.

4. The restrictions in Section 6104.1 do not apply to containers used for transportation purposes.

5. Containers larger than 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.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with as shown for cul-de-sacs in accordance with table D103.4. Other alternatives must be approved by the fire code official.

~~**D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent "NO PARKING—FIRE LANE" signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.~~

~~**D103.6.1 Roads 20 to 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).~~

~~**D103.6.2 Roads more than 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).~~

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 50 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 50 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development as determined by the fire code official.
3. If more than 30 dwelling units are in a special flood hazard area or a Military Compatibility Area Overlay District, a second access will be required.

SECTION 2. 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 hereof be given full force and effect for its purpose.

SECTION 3. 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.

SECTION 4. Penalties are as provided in Section 1-6 of the Corpus Christi Code.

SECTION 5. This ordinance takes effect after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2023, by the following vote:

Paulette Guajardo	_____	Jim Klein	_____
Roland Barrera	_____	Mike Pusley	_____
Sylvia Campos	_____	Everett Roy	_____
Gil Hernandez	_____	Dan Suckley	_____
Michael Hunter	_____		

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____, 2023, by the following vote:

Paulette Guajardo	_____	Jim Klein	_____
Roland Barrera	_____	Mike Pusley	_____
Sylvia Campos	_____	Everett Roy	_____
Gil Hernandez	_____	Dan Suckley	_____
Michael Hunter	_____		

PASSED AND APPROVED on this the ____ day of _____, 2023.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor