

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 91, “FIRE PROTECTION AND PREVENTION,” AND SECTION 150.014, “INTERNATIONAL FIRE CODE ADOPTED” OF THE CODE OF MANSFIELD, TEXAS, TO PROVIDE FOR REFERENCES TO THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, by Ordinance No. OR-2132-19 the City previously adopted the 2018 Edition of the International Fire Code; and,

WHEREAS, the City desires to amend the Code of Ordinances to reference the adoption of the 2018 Edition of the International Fire Code in other sections of the Code of Mansfield, Texas (the “Code”); and,

WHEREAS, the City Council has determined that the amendments to the Code as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

Section 91.15 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 91.15 ADOPTION OF THE *INTERNATIONAL FIRE CODE*.

The City of Mansfield hereby adopts the International Fire Code, published by the International Code Council, the 2018 Edition, save and except such portions as are hereafter amended. The same are hereby adopted and incorporated as fully as if set out at length herein and from and after the passage of the ordinance adopting this section, the provisions thereof shall be controlling within the limits of the City of Mansfield. The adoption of the International Fire Code does not extend to the appendices thereto unless specifically adopted elsewhere in this subchapter. Not less than three copies of the International Fire Code, 2018 edition will be kept on file or available in the office of the City Secretary.”

SECTION 2.

Section 91.16 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by amending subsection (A), and only subsection (A), to read as follows:

“§ 91.16 ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION DIVISION.

(A) The City of Mansfield hereby establishes a fire prevention division as described in Section 103 of the International Fire Code, 2018 Edition. The fire prevention division is charged with enforcement of the International Fire Code, as amended, as well as other ordinances and laws over which the fire prevention division has responsibility. The fire prevention division has the authority to enforce any provision of the current adopted Building Code, Plumbing Code, Fuel Gas Code, Mechanical Code or Electrical Code related to fire or life safety features of the referenced codes. Any interpretation of the Building, Plumbing, Mechanical or Electrical Codes are the sole responsibility of the authority having jurisdiction over the code in question. Corrective notices, citations or other corrective actions as allowed by law may be issued for violations of the referenced codes. The fire prevention division shall be operated under the supervision of the Fire Chief.”

SECTION 3.

The following definitions of Section 91.17 of the Code of Ordinances, City of Mansfield, Texas are hereby amended to read as follows (only the subsections listed are intended to be amended):

“§ 91.17 DEFINITIONS.

It is the specific intent that these definitions be considered as a part of Section 202 of the International Fire Code, 2018 Edition, without being duplicated as an amendment to that specific section elsewhere in this subchapter...

(C) Whenever the term ***INTERNATIONAL FIRE CODE*** is used, it shall mean the 2018 International Fire Code and all supplements, attachments and amendments as adopted herein...

(E) ***FIREWORKS.*** A combustible or explosive composition, substance, or combination of substances, or a device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. FIREWORKS include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used; firecrackers, torpedoes, sky rockets, roman candles, sparklers or other devices of like construction; any device containing an explosive or flammable compound; and any tablet or other device containing an explosive substance. FIREWORKS do not include auto flares, paper caps containing an average of twenty-five hundredths of a grain of explosive content per cap or less: and toy pistols, toy canes, toy guns or other devices for use of such caps. This definition supplements the definition found in Section 5602.1 of the International Fire Code...”

SECTION 4.

Section 91.18 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 91.18 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVEGROUND TANKS IS PROHIBITED.

(A) The limits referred to in Section 5704.2.9.6.1 of the International Fire Code, 2018 Edition, in which storage of flammable or combustible liquids in outside, aboveground tanks is prohibited, are hereby established as follows:

(1) *Flammable liquids.*

(a) *Motor fuels.* The entire City of Mansfield, except agriculture or farm properties in excess of ten acres where the fuel is incidental to the operation of farm equipment, or installations complying with the provisions of the International Fire Code Section 2306 as amended and that are in an area zoned as a C-2, C-3, I-1, I-2 zoning district, within a planned development district which specifically authorizes such use, when the requirements of the International Fire Code as amended are met.

(b) *Other flammable liquids.* The entire City of Mansfield, except that flammable liquids incidental to a commercial or manufacturing process may be allowed in outside, aboveground tanks provided the construction, installation, and placement of the tank and the handling and use of the liquid conforms to the requirements of the International Fire Code as amended, and other applicable standards, and further provided that such tanks are located in an area zoned as a C-2, C-3, I-1, I-2 zoning district, or are within a planned development district which specifically authorizes such use.

(2) *Combustible liquids.*

(a) *Motor fuels.* The entire City of Mansfield, with the following exceptions:

1. Subdivision development and construction sites when the fuel storage is in compliance with the requirements of the International Fire Code Section 2306 as amended...

[*subsection (A)(2)(a)(2) is not amended*]

3. Installations within the limits allowed under the provisions of Section 2306 as amended and complying with the provisions of Section 2306 as amended provided the installation is in an area classified as a C-2, C-3, I-1, I-2 or has approval for such installation as part of a PD zoning district....

[*the remainder of the section is not amended*]

SECTION 5.

Section 91.20 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 91.20 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in Section 5601.2.3 of the International Fire Code, in which the storage of explosives and blasting agents is prohibited are established as the entire city except land located in the C-3, I-1, I-2 zoning districts or within a planned development district which specifically authorizes such use. and the Fire Department has issued the applicable permit.”

SECTION 6.

Section 91.24 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 91.24 AMENDMENTS TO THE INTERNATIONAL FIRE CODE.

The International Fire Code, 2018 Edition, is amended as listed in Exhibit "A" amendments to the 2018 International Fire Code. Exhibit A is attached to Ordinance OR-2132-19 which will be kept on file or available in the office of the City Secretary.”

SECTION 7.

Section 91.25 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 91.25 APPEALS.

Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal in writing from the decision of the Fire Marshal to the Fire Chief within ten days from the date of the decision appealed. The Fire Chief will review the circumstances and either render an opinion or establish a Board of Appeals in compliance with Appendix A, attached to Ordinance OR-2132-19, of the International Fire Code, which after hearing all facts in the case, shall render a written judgment.”

SECTION 8.

Section 150.014 of the Code of Ordinances, City of Mansfield, Texas is hereby amended to read as follows:

“§ 150.014 INTERNATIONAL FIRE CODE ADOPTED.

The 2018 Edition of the International Fire Code and Appendices B, C, D E, F, G, H, I, J, K, L and N, and as further described in Sections 91.15 through 91.99 of Chapter 91 of the Code of Mansfield, Texas, are adopted as the official fire code of the City of Mansfield. This fire code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the International Fire Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.”

SECTION 9.

This Ordinance shall and does amend and/or repeal every prior ordinance or rule or regulation or policy in conflict herewith, but as to all other ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this Ordinance shall be and is hereby made cumulative.

SECTION 10.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 11.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 12.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code, as amended, or any other ordinances affecting parks which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 13.

The City Secretary is hereby directed to publish this Ordinance as required by law.

SECTION 14.

This Ordinance shall take effect immediately from and after its passage on first and final reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 26TH DAY OF SEPTEMBER, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin, City Attorney