

ORDINANCE NO. 1890

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 42, ARTICLE II “FIRE PREVENTION CODE”, OF THE BRYAN CITY CODE; REPEALING 2003 EDITION OF THE INTERNATIONAL FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2009 EDITION OF THE LIFE SAFETY CODE HANDBOOK, PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; AND ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE LIFE SAFETY CODE HANDBOOK; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION IN THE NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is the desire of the City Council of the City of Bryan, Texas to repeal the 2003 Edition of the International Fire Code; and

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2009 Edition of the International Fire Code, published by the International Code Council; and

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2009 Edition of the Life Safety Code Handbook, published by the National Fire Protection Association; and

WHEREAS, the adoption of additional local amendments to the code and handbook will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare;

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

1.

That Chapter 42, Article II, “Fire Prevention Code” is amended to read as follows:

ARTICLE II. FIRE PREVENTION CODE

Sec. 42-35. International Fire Code and Life Safety Code Handbook adopted by reference.

(a) The 2009 edition of the International Fire Code, including Appendix B, C, D, E, F, G, H, I, and J, as published by the International Code Council, a copy of which is on file with the city secretary and the fire marshal, is adopted to the same extent as though such code were copied at length herein, subject however to the omissions, additions, supplements, and amendments contained in this article.

(b) The 2009 edition of the Life Safety Code Handbook, published by the National Fire Protection Association, a copy of which is on file in the office of the City Secretary and the fire marshal of the City of Bryan, Texas, is adopted to the same extent as though such code was copied at length herein, subject

however to the omissions, additions, supplements, and amendments contained in this article.

Sec. 42-36. Amendments to International Fire Code.

The following sections of the International Fire Code adopted by section 42-35 are hereby amended as follows:

Section 101.1 (Title) is amended by deleting "[NAME OF JURISDICTION]" and replacing with "The City of Bryan".

Section 102.7 (Referenced codes and standards) is amended by deleting the number "45" and replacing with "47".

Section 109.3. (Violation penalties). Amend to read as follows: "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 provision of this code, shall be guilty of a misdemeanor punishable by a fine pursuant to Section 1-14 of the Bryan City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 111.4 (Failure to Comply). Is amended by deleting "shall be liable to a fine of not less than [Amount] dollars or more than [Amount] dollars." and replaced with "shall be guilty of a misdemeanor punishable by a fine pursuant to Section 1-14 of the Bryan City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 202. (General Definitions). The definition of Occupancy Classification Assembly Group A-3 is amended to include "Tutorial Services."

Section 307.4.1 (Bonfires) is amended by deleting the entire section and replacing with "bonfires are illegal within the city limits of the City of Bryan."

Section 308.1.4. (Open Flame Cooking Devices) is amended by adding the words "or stored" after "operated", by deleting the word "combustible" before the word "balconies" and by deleting exceptions 2 & 3.

Section 501.4. (Timing of Installation). Is amended by adding the following to the end of the section: "There shall be no combustible, flammable or ignitable materials placed on the site, lot or subdivision where waterlines, fire hydrants and/or all weather access roads capable of supporting emergency vehicles with an imposed load of at least seventy-five thousand (75,000) pounds as required by this code or other adopted code or ordinances are completed, accepted, and in service."

Section 503.2.1. (Dimensions). Is amended by replacing "13 feet 6 inches" with "14 feet".

Section 503.3 (Marking). Is amended by deleting the section in its entirety and replacing with the following:

Section 503.3 (Marking)

The owner, manager, or person in charge of any building or property to which fire lanes have been approved or required shall mark and maintain said fire lanes in the following manner:

All curbs and curb ends shall be painted red with four inch (4") white lettering stating "FIRE LANE - NO PARKING - TOW AWAY ZONE". The phrases should be spaced fifteen feet (15') apart continuously. Ex: FIRE LANE (15 foot space) NO PARKING (15 foot space) TOW AWAY ZONE (15 foot space) FIRE LANE....

In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with the curb markings, to indicate that the fire lane is continuous:

Option #1: A sign twelve inches (12") wide and eighteen inches (18") in height stating "FIRE LANE DESIGNATED PARKING ONLY" shall be mounted in a conspicuous location at each entrance to the property. (See Diagram No. 1 for specifications on colors and lettering.) A companion sign stating "TOW AWAY ZONE" according to specifications listed in Section 503.3.1 will also be required.

Option #2: From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, shall be marked with one continuous eight inch (8") red stripe painted on the drive surface behind the parking spaces. All curbing adjoining a fire lane must be painted red. Red stripes and curbs will contain the wording "FIRE LANE - NO PARKING- TOW AWAY ZONE", painted in four inch (4") white letters. The phrases should be spaced fifteen feet (15') apart continuously. Ex: FIRE LANE (15 foot space) NO PARKING (15 foot space) TOW AWAY ZONE (15 foot space) FIRE LANE....

In those cases where curb markings are not possible or where signs would, in the Fire Official's opinion, work more effectively, the Fire Marshal may require signs in lieu of curb markings.

Additional signage as described in 503.3.1 may be required by the Fire Marshal to address special circumstances.

The use of the color red to mark or stripe any curb or parking area (other than fire lanes) is prohibited within the City of Bryan.

Section 503.3 (Marking). Is further amended by adding Diagram No. 1:



**FIRE LANE**

**DESIGNATED  
PARKING  
ONLY**

Section 503 (Fire Apparatus Access Roads) is amended by adding Sections 503.3.1 (Fire Lane Signs; Tow-Away Zone Signs), 503.3.2 (Destruction of Fire Lane and Tow-Away Signs), 503.3.3 (Abandonment or Closing) and 503.3.4 (Authority Under Emergency Conditions) to read as follows:

503.3. (Fire Lane Signs; Tow-Away Zone Signs)

The owner, manager, or person in charge of any building to which fire lanes have been approved by the Fire Marshal shall post and maintain appropriate signs in conspicuous places along such fire lanes stating "No Parking - Fire Lane". Such signs shall be twelve inches (12") wide and eighteen inches (18") high, with a companion sign twelve inches (12") wide and six inches (6") high stating "Tow-Away Zone".

Any "No Parking - Fire Lane" or "Tow-Away Zone" sign shall be painted on a white background with symbols, letters and border in red. Drawings and samples of such signs may be obtained from the Fire Department of the City of Bryan. Standards for mounting, including but not limited to, the height above the grade at which such signs are to be mounted, shall be as adopted by the Fire Marshal.

Section 503.3.2 (Destruction of Fire Lane or Tow-Away Signs)

It is hereby unlawful for any person without lawful authority to attempt or in fact alter, destroy, deface, injure, knock down, or remove any sign designating a fire lane or tow-away zone erected under the terms of this code, or to deface a curb marking in any way.

Section 503.3.3 (Abandonment or Closing)

No owner, manager, or person in charge of any premises served by a required fire lane shall abandon or close such fire lane without written permission of the Fire Marshal.

Section 503.3.4 (Authority Under Emergency Conditions)

The Fire Official is hereby authorized to establish fire lanes during any fire, and to exclude all persons other than those authorized to assist in extinguishing the fire or the owner or occupants of the burning property from within such lanes.

Section 503.4 (Obstruction of Fire Apparatus Access Roads) is amended by deleting the section in its entirety and replacing with the following:

Section 503.4 (Obstruction of Fire Apparatus Access Roads)

No person shall park, place, allow, permit, or cause to be parked, placed, any motor vehicle, trailer, boat, or similar obstruction within or upon an area designated as a fire lane and marked by an appropriate sign or curb marking.

Section 503 (Fire Apparatus Access Roads) is amended by adding Sections 503.4.1 (Obstructing Fire Lanes) and 503.4.2 (Enforcement; Issuance of Citations; Impoundment of Obstructions) to read as follows:

Section 503.4.1 (Obstructing Fire Lanes)

Any motor vehicle, trailer, boat, or similar obstruction found parked within an area designated as a fire lane as required by this section is hereby declared a nuisance per se and any such motor vehicle, trailer, boat, or similar obstruction parked or unoccupied in such a manner as to obstruct in whole or in part any such fire lane shall be prima facie evidence that the registered owner unlawfully parked, placed, or permitted to be parked or placed such obstruction within a fire lane.

The records of the State Highway Department or the County Highway License Department showing the name of the person to whom the Texas highway license or boat or trailer license is issued shall constitute prima facie evidence of ownership by the named persons.

Section 503.4.2 (Enforcement; Issuance of Citations; Impoundment of Obstructions)

The Fire Official or any member of the Fire Department designated by the Fire Chief, the Chief of Police, or any member of the Police Department designated by the Chief of Police are hereby authorized to issue parking citations for any motor vehicle, trailer, boat, or similar obstruction found parked or unattended in or upon a designated fire lane and may have such obstruction removed by towing it away. Such vehicle or obstruction may be redeemed by payment of the towage and storage charges at the owner's expense.

No parking citations shall be voided, nor shall the violator be relieved of any penalty assessed by a judge of the Municipal Court for any provision by the redemption of the obstruction from the storage facility.”

Section 505.1 (Address identification) is amended by deleting the section in its entirety and adding the following:

501.1 Address identification. An official address, assigned by the chief building official or his or her designee, shall be provided and placed pursuant to this section in such a position as to be clearly visible from the public street or roadway fronting the property. Addresses placed pursuant to this section shall be a minimum four inches in height and stroke of minimum one-half inch, composed of a durable material and of a color that provides a contrast to the background itself. The official address shall be placed a minimum of 36 inches and a maximum of 30 feet in height measured from the ground level. Buildings or structures located more than 50 feet from the street curb shall have an official address at least five inches in height. Durable materials used for the official address shall include, but not be limited to, wood, plastic, metal, weather resistant paint, weather resistant vinyl, or weather resistant material designed for outside use on a glass surface.

A building complex composed of multiple structures or dwellings shall have an official suite or unit number assigned to each building, suite or tenant as well as a street address number. If there is sufficient street frontage, each building, suite or tenant may also be assigned an official street address number. The official street address number of each structure must be prominently posted on the building so that it is visible from the nearest public street or designated fire lane. Each number designated by the chief building official, or his or her designee, for each individual suite or unit must be conspicuously posted on each suite or unit.

Commercial buildings with side or rear access in addition to the main entrance shall also display the business name and official address on each side or rear door with characters at least two inches in height. Residential structures which provide for rear vehicular access from a dedicated public alley, street or designated fire lane shall conspicuously post an official address at least two inches in height so that it is visible from the public alley, street or designated fire lane.

The owner or manager of a building complex, which contains an enclosed shopping mall, shall submit to the fire official four copies of diagrams acceptable to the fire marshal of the entire complex, indicating the location and number of each business. When a change in a business name or location is made, the owner or manager shall so advise the fire marshal in writing of the change.

Section 507.5.1 (Where required).Is amended by deleting “400” and replacing with “300”, by deleting “600” and replacing with “500” in exception 1, and by deleting exception 2.

Section 903.2 Where required is amended by adding the following text at the end of said section:

In addition to the requirements of this section, an automatic sprinkler system shall be provided throughout all new buildings and structures as follows:

1. Where the building area or fire area exceeds 12,000 square feet (1115m<sup>2</sup>).
2. Where the height exceeds two stories regardless of area.

Section 903.2.4 (Group F-1) is amended by replacing “three” with “two” in item "2".

Section 903.2.7 (Group M) is amended by replacing “three” with “two” in item “2”.

Section 903.2.8 (Group R) is amended by adding the following exceptions:

Exceptions:

1. R2 occupancies with 4 or less units.
2. Boarding houses (transient), rooming houses (transient), bed and breakfast inns and other similar occupancies (not including hotels or motels) containing not more than four guest rooms for which rent is paid and that are occupied by transient guest only.

Section 903.2.9 (Group S-1) is amended by replacing "three" with "two" in item "2".

Section 907.6.2.3.2 (Employee work areas) is amended by deleting the section in its entirety and replacing with the following:

Where a fire alarm and detection system is required, employee work areas shall be provided with devices that provide audible and visible alarm notification.

Section 1004.2 (Increased occupant load) is deleting in its entirety.

Section 1004.3 (Posting of occupant load) is amended by adding the following text to the end of said section:

For the purposes of this section, the occupant load shall be the number of occupants computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1.

Sec. 42-37. Amendments to Life Safety Code.

The following sections of the Life Safety Code adopted by section 42-35 are hereby amended as follows:

Section 24.3.5.1 is amended by deleting the section in its entirety.

Section 43.6.4.1 is amended by deleting the section in its entirety and replacing with the following:

In a building with rehabilitation work areas involving over 50% of the aggregate building area an automatic fire sprinkler system shall be installed to the code applicable to new construction for this type of occupancy.

Section 43.6.4.2 is amended by deleting the section in its entirety.

Section 43.6.4.4 is amended by replacing “up to and including the highest rehabilitation work area floor” with “highest floor”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

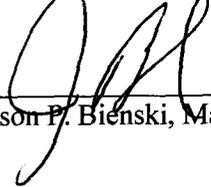
This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be December 1, 2010.

PRESENTED AND GIVEN first reading the 26<sup>th</sup> day of October, 2010, at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 9<sup>th</sup> day of Nov., 2010, by a vote of 7 yeases and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

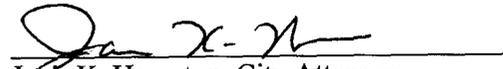
**ATTEST:**

  
Mary Lynne Stratton, City Secretary

**CITY OF BRYAN:**

  
Jason P. Bienski, Mayor

**APPROVED AS TO FORM:**

  
Jarvis K. Hampton, City Attorney