

ORDINANCE NO. 22-663

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON, CHAPTER 29-1 AND 29-2, BY REPEALING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE* AND ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL FIRE CODE*, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to repeal the 2012 edition of the *International Fire Code* and to adopt the 2021 edition of the *International Fire Code* including Appendices B, C, and D; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON ORDAINS:

SECTION 1. Chapter 29, Fire Code, Section 29-1 and Section 29-2 of the Denton Code of Ordinances are repealed in their entirety and replaced with new Sections 29-1 and 29-2, to read as follows:

**Sec. 29-1. 2021 International Fire Code adopted.**

*The International Fire Code, 2021 edition*, published by the International Code Council, a copy of which shall be maintained by the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, including appendices B, C, and D and subject to the deletions and amendments enumerated in Section 29-2.

**Section 29-2. Deletions and Amendments to the 2021 International Fire Code.**

1. Section 101.1. is deleted in its entirety and replaced with the following:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Denton, hereinafter referred to as “this code.”

2. Section 105.3.1 Expiration, is deleted in its entirety.

3. A new Section 108.5 is added, to read as follows:

**108.5 Annual Fire Protection Systems Testing.** The annual testing of all fire sprinkler systems, fire alarm systems, fire extinguishing systems, hood extinguishing systems and fire pumps shall be completed by a licensed fire systems contractor. Any fire systems contractors working within the City of Denton are required to submit all compliant and deficient reports to The Compliance Engine site portal directly to the authority having jurisdiction.

4. Section 111 Means of Appeal, is deleted in its entirety and replaced by the following:

**111. General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

**111.2 Limitations on authority.** An application for appeal shall be based on a claim that the true 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 or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

5. Section 112.4 Violation Penalties, is deleted in its entirety.

6. Section 202 is amended, to add a definition, to read as follows:

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

7. Section 307.4 is deleted in its entirety and replaced with the following:

**307.4 Location.** The location for *open burning* shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

8. Section 307.4.1 is deleted in its entirety and replaced with the following:

**307.4.1 Bonfires.** A bonfire shall not be conducted within 300 feet (91,440 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 300 feet (91,440 mm) of a structure shall be eliminated prior to ignition.

9. Section 307.4.2 is deleted in its entirety and replaced with the following:

**307.4.2 Recreational fires.** Recreational fires are prohibited within the incorporated city limits of Denton, Texas.

10. Section 311.5 is deleted in its entirety and replaced with the following:

**311.5 Placards.** Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, may be marked as required by Section 311.5.1 through 311.5.5.

11. Section 503.1.1 is deleted in its entirety and replaced with the following:

**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 comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) 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. Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten foot (10') wide (3048 mm) unobstructed pathway around the external walls of the structure, or as approved by the fire code official.

**Exceptions:**

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

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

2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

12. Section 503.2.1 is deleted in its entirety and replaced by the following:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

**Exception:** Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.

13. Section 503.3 is deleted in its entirety and replaced by the following:

**503.3 Marking.** Where required by the *fire code official*, *approved* signs or other *approved* notices or markings 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. Marking shall be provided as follows:

1. **Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) (152 mm) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) (102 mm) tall white letters at 25 foot (7620 mm) intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. **Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” (3657 mm) wide and 18” (5486 mm) high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” (51 mm) tall lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) (1981 mm) above finished grade. Signs shall be spaced not more than fifty feet (50’) (15 240 mm) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls, or as approved by the Fire Chief.

14. A new Section 509.1.2 is added, to read as follows:

**509.1.2 Sign Requirements.** Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as *approved* by the *fire code official*. The letters shall be of a color that contrasts with the background.

15. A new Section 903.2.9.5 is added to read as follows:

**903.2.9.5 Self-Service Storage Facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

16. Section 903.2.11 is deleted in its entirety and replaced with the following.

**903.2.11 Specific buildings areas and hazards.** In all occupancies other than Group U, an automatic sprinkler system shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.7.

17. A new Section 903.2.11.7 is added to read as follows:

**903.2.11.7 General.**

1. An automatic sprinkler shall be installed in all new buildings of noncombustible construction, (Type I & II) including group R-3, which exceed three stories in height or which have more than ten thousand (10,000) square feet (929 m<sup>2</sup>) of floor area regardless of fire area, area separation walls, or fire walls.
2. An automatic sprinkler system shall be installed in all new buildings of combustible construction, (Type III, IV & V) including Group R-3, which exceed two stories in height or which have more than seven thousand five hundred (7,500) square feet (697 m<sup>2</sup>) of floor area regardless of fire area, area separation walls, or fire walls.
3. The owner(s) of any building shall be required to install an automatic sprinkler system at such time as the owner(s) constructs an addition or enlargement to the building if the total square footage of such addition, when combined with the total square footage of the existing building, exceeds ten thousand (10,000) square feet (929 m<sup>2</sup>) of noncombustible construction (Type I & II) total floor area, regardless of fire area, area separation walls, or fire walls.
4. The owner(s) of any building shall be required to install an automatic sprinkler system at such time as the owner(s) constructs an addition or enlargement to the building if the total square footage of such addition, when combined with the total square footage of the existing building, exceeds seven thousand five hundred (7,500) square feet (696 m<sup>2</sup>) of combustible construction (Type III, IV & V) total floor area, regardless of fire area, area separation walls, or fire walls.

18. Section 903.3.1.2 is deleted in its entirety and replaced with the following:

**903.3.1.2 NFPA 13R sprinkler systems.** Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or fewer above grade plane.
2. For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access. For Group R-2 occupancies, the roof assembly is less than 45 feet (13716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access

road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.

3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *International Building Code* shall be measured from *grade plane*.

19. Section 903.3.5 is deleted in its entirety and replaced with the following:

**903.5.5 Water supplies.** Water supplies for *automatic sprinklers systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10 psi (69 kPa) safety factor. Reference Section 507 of the *International Fire Code* for additional design requirements.

**903.3.5.1 Domestic services.** Where the domestic service provides the water supply for the *automatic sprinkler system*, the supply shall be in accordance with this section.

**903.3.5.2 Residential combination services.** A single combination water supply shall be allowed provided that the domestic demand is added to the sprinkler demand as required by NFPA 13R.

20. Section 907.6.3 is Deleted in its entirety and replaced with the following:

**907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

Exceptions:

1. Deleted.
2. Deleted.
3. Deleted.
4. Deleted.

21. Section 5601.1.3 is deleted in its entirety and replaced with the following:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits. The use of fireworks within five thousand (5,000) feet of the city limits is prohibited if the fireworks travel into the city limits.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100–185, as applicable for consumer fireworks.

22. A new Section 5706.3.9 is added to read as follows:

**5706.3.9 Fire Protection (Gas Wells).** Drilling and Production Sites shall be equipped with a lightning protection system. In addition, tank battery facilities shall be equipped with a remote foam line and a lightning arrestor approved by the fire code official.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are severable.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1, 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this, the 5<sup>th</sup> day of April, 2022.

  
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 GERARD HUDSPETH, MAYOR

ATTEST:  
 ROSA RIOS, CITY SECRETARY

BY: Rosa Rios

APPROVED AS TO LEGAL FORM:  
 MACK REINWAND, CITY ATTORNEY

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