

ORDINANCE NUMBER 695-2010

AN ORDINANCE DELETING SECTION 7-76, FIRE PREVENTION CODE – ADOPTED, OF DIVISION 2, FIRE PREVENTION CODE, OF ARTICLE III, FIRE PREVENTION, OF CHAPTER 7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS; ADOPTING A NEW SECTION 7-76, FIRE PREVENTION CODE – ADOPTED, OF DIVISION 2, FIRE PREVENTION CODE, OF ARTICLE III, FIRE PREVENTION, OF CHAPTER 7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCE TO ADOPT THE “INTERNATIONAL FIRE CODE,” 2009 EDITION, AS PUBLISHED BY INTERNATIONAL CODE COUNCIL, INC.; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID STANDARD CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on June 13, 2006, by Ordinance Number 584-2006, the City Council of the City of Dickinson, Texas, adopted the International Fire Code, 2003 Edition, including appendices B through G, as published by the International Code Council, Inc., with certain amendments and deletions thereto, as the Fire Prevention Code applicable to building and development within the City of Dickinson, and such code and local amendments thereto was codified as Section 7-76, Fire Prevention Code – Adopted, of Division 2, Fire Prevention Code, of Article III, Fire Prevention, of Chapter 7, Fire Prevention and Protection, of the Code of Ordinances of the City of Dickinson; and

WHEREAS, the City Council finds it is in the best interest of the City and its citizens to update the fire prevention code and local amendments thereto that are applicable within the City of Dickinson and that Section 7-76, Fire Prevention Code – Adopted, of Division 2, Fire Prevention Code, of Article III, Fire Prevention, of Chapter 7, Fire Prevention and Protection, of the Code of Ordinances of the City of Dickinson should be deleted and a new Section 7-76, Fire Prevention Code – Adopted, of Division 2, Fire Prevention Code, of Article III, Fire Prevention, of Chapter 7, Fire Prevention and Protection, should be adopted to adopt the International Fire Code, 2009 Edition, with certain amendments and deletions thereto, as the fire prevention code applicable to building and development within the City of Dickinson.

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

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Section 7-76, Fire Prevention Code – Adopted, of Division 2, Fire Prevention Code, of Article III, Fire Prevention, of Chapter 7, Fire Prevention and Protection, of the Code of Ordinances of the City of Dickinson, Texas, is hereby deleted.

Section 3. A new Section 7-76, Fire Prevention Code – Adopted, of Division 2, Fire Prevention Code, of Article III, Fire Prevention, of Chapter 7, Fire Prevention and Protection, of the Code of Ordinances is hereby adopted and shall read as follows:

“Sec. 7-76. Fire prevention code--Adopted.

- a) The International Fire Code, 2009 Edition, including appendices B through G, as published by the International Code Council, Inc., save and except subsection 109.3 thereof, a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary is hereby adopted and made a part of this article.

- b) Section 109.3 of said Fire Code is amended by deleting Section 109.3 which reads,

“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 [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars 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.”

And replacing it with a new Section 109.3, which shall read as follows:

“Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or 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. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by law.”

- c) Section 903.2.8 of said Fire Code is amended by deleting Section 903.2.8 which reads,

“Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.”

And replacing it with a new Section 903.2.8, which shall read as follows:

“Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. **EXCEPTION:** One and Two family dwellings as regulated by the International Residential Code shall not be required to comply with this section.”

Section 4. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

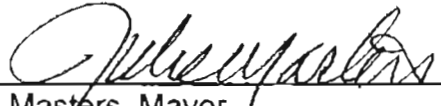
Section 7. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 8. This Ordinance shall become effective in accordance with law.

DULY PASSED AND APPROVED on first reading this 9th day of February, 2010.

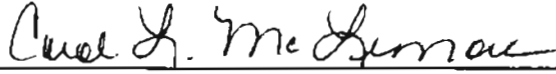
DULY PASSED, APPROVED, AND ADOPTED on second and final reading this 23rd day of February, 2010.

DULY PASSED, APPROVED, AND ADOPTED on third and final reading this _____ day of _____, 2010 (Third reading suspended).



Julie Masters, Mayor
City of Dickinson, Texas

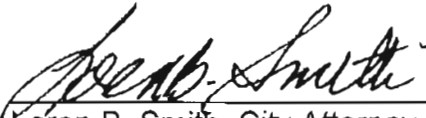
ATTEST:



Carol L. McLemore, City Secretary
City of Dickinson, Texas



APPROVED AS TO FORM AND CONTENT:



Loren B. Smith, City Attorney
City of Dickinson, Texas