

## ORDINANCE NO. 2025-34

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 46 (ENTITLED "FIRE PREVENTION AND PROTECTION") TO RECODIFY THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDICES A, B, C, D, E, F, G, H, I, K, AND L, AND RELATED AMENDMENTS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Burnet previously adopted Ordinance No. 2024-19, thereby adopting the 2021 International Fire Code with Amendments in August of 2024; and

**WHEREAS**, the purpose of this ordinance is to adopt an amendment to the International Fire Code to properly address fire code requirements for aircraft hangars at Kate Craddock Field and to readopt the amendments adopted in 2024 for the purposes of consolidating all amendments into a single ordinance; and

**WHEREAS**, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

**Section One. Code amendment.** City Code Chapter 46 (entitled "*Fire Prevention and Protection*"), Article II (entitled "*Fire Code*"), Section 46-26 is hereby amended by replacing the existing language in its entirety with the text set out in the attachment hereto labeled **Exhibit "A."**

**Section Two. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section Three. Penalty.** A violation of this Ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "*General Penalty*").

**Section Four. Cumulative.** This Ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event Section 5, (entitled "*Repealer*") shall be controlling.

**Section Five. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section Six. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section Seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section Eight. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

**Passed, Approved and Adopted** on the 12<sup>th</sup> day of August 2025.

**CITY OF BURNET**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary

## **EXHIBIT A**

### **AMENDMENT TO FIRE CODE**

#### **Sec. 46-26. International Fire Code.**

The International Fire Code, 2021 edition, a copy of which is on file in the office of the city secretary, is hereby adopted as the fire code of the city, said adoption being inclusive of Appendices A, B, C, D, E, F, G, H, I, K, and L and such amendments as follow:

- (a) Section 101.1. Title. Insert: City of Burnet  
101.1 Title. These regulations shall be known as the Fire Code of City of Burnet hereinafter referred to as "this code."
- (b) Section 103.1 Creation of agency; amend to read as follows:  
Section 103.1 "Creation of Agency." Amend to read: "The Burnet Fire Department Fire Prevention Division is hereby created and the Fire Chief or his designee 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."
- (c) Section 103.2; amend to read as follows:  
"The fire code official shall be the Fire Chief or his designee."
- (d) Add section 107.1.1 To read as follows:  
All applications for permits required under this Article shall be made on such form as provided by the Building Official with payment of permit fees as stated in Article XI (entitled "Fee Schedule") Table Four (entitled "Fire Code Permit Fee Schedule").
- (e) 107.3 Permit valuations. Delete this section in its entirety.
- (f) 111.1 Board of Appeals Established, Amend to read as follows:  
111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Fire Chief and shall hold office at its pleasure. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.
- (g) Delete Section 111.3 Qualifications in its entirety.
- (h) Section 112.4, Violation penalties is amended as follows:  
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 Class C Misdemeanor punishable by a fine of not more than not less than \$100 dollars or more than \$2000 dollars or by imprisonment not exceeding number of days to be at the discretion of the Judge or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (i) Section 113.4, Failure to comply is hereby amended as follows:

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 liable to a fine of not less than \$100 dollars or more than \$2000 dollars.

- (j) SECTION 202, GENERAL DEFINITIONS

Amend section by including and or changing the following definitions:

“ALL WEATHER DRIVING SURFACE - A driving surface that is capable of supporting the imposed loads of fire apparatus and consisting of material that is impervious to damage from wet conditions and does not produce dust during dry weather conditions. Accepted materials shall consist of concrete or asphalt correctly applied.

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following: Dialysis centers, Sedation dentistry, Surgery centers, Colonic centers, Psychiatric centers, or Procedures involving sedation.

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

Change definition **ENERGY STORAGE SYSTEM CABINET** to read as follows:

**ENERGY STORAGE SYSTEM CABINET.** An enclosure containing an *energy storage system* and meeting the applicable requirements of the listing for the system. Personnel are not able to enter the enclosure other than reaching in to access components for maintenance purposes.

- (k) Section 503.2.3 Surface.

Amend to read: Fire apparatus access roads shall be designed and maintained to support imposed loads of at least 85,000 Lbs. for fire apparatus and shall be surfaced to provide all-weather driving capabilities utilizing concrete or asphalt materials. When required by the code official a

signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard.

- (l) Section 505.1 Address Identification. Amend to read: New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1 inch (25.4 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6-inch (152.4 mm) height building numerals. Address identification shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 4 inches (101.6 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

- (m) Section 606.1 "General." Amend to read: "Commercial kitchen exhaust hoods shall comply with the requirements of the International Mechanical Code and NFPA 96."
- (n) Section 903.2.11.8 Spray Booths and Rooms. Add section to read: New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.
- (o) Section 903.2.4.2 Group F-1 distilled spirits. Amend to read: An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.
- (p) Section 903.2.9.3 Group S-1 distilled spirits or wine. Amend to read: An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.
- (q) *Section 912.2.3; add to read as follows:*  
912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.
- (r) Section 914.8.3.1 Hazardous operations. Repeal and Replace in its entirety to read:

#### **914.8.3.1 Hazardous operations.**

Any Group III aircraft hangar in accordance with Table 914.8.3 that contains hazardous operations including, but not limited to, the following shall be provided with a Group I or II fire suppression system in accordance with NFPA 409 as applicable:

1. Doping.
2. *Hot work* including, but not limited to, welding, torch cutting and torch soldering.
3. Fuel transfer.
4. Fuel tank repair or maintenance not including defueled tanks in accordance with NFPA 409, inerted tanks or tanks that have never been fueled.
5. Spray finishing operations.
6. Total fuel capacity of all aircraft within the unsprinklered single *fire area* in excess of 1,600 gallons (6057 L).
7. Total fuel capacity of all aircraft within the maximum single *fire area* in excess of 7,500 gallons (28 390 L) for a hangar equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.

#### **Exceptions:**

Subsection 6 shall not apply to Group III aircraft hangars with a single fire area of 6,500 square feet or less that are used for storage or servicing of aircraft if equipped with a monitored fire alarm system.

Subsections 6 and 7 shall not apply to Group III aircraft hangars with a single fire area greater than 6,500 square feet, but less than 12,000 square feet used for storage or service of aircraft if equipped with a monitored fire alarm system and a wet, dry, dual action, or deluge automatic sprinkler system.

- (s) Section 1103.5.3. Group 1-2 Condition 2.

Change to read as follows:

In addition to the requirements of section 1103.5.2 existing buildings of Group I-2 condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with 903.3.1.1 The automatic sprinkler system shall be installed as established by the adopting ordinance. The sprinkler system must be installed prior to operation or immediate "stop work" order administered upon discovery until sprinkler system is installed.

- (t) Section 1103.5.6 Spray Booths and Rooms. Add section to read: Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

- (u) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (v) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (w) Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (x) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted or the protection of heavily populated or congested areas): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (y) A101.3 Membership of Board. Amend to read as follows:

The Board shall consist of three to five voting members appointed by the Fire Chief. Each member shall serve until a successor has been appointed.
- (z) A101.3.1 Delete this paragraph.
- (aa) A101.3.7 Delete this paragraph.
- (bb) A101.5.3 Change to read as follows:

When 3 members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (cc) Section D102.1; change to read as follows:
- (dd) D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 85,000 pounds (38 556 kg)
- (ee) D104.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.
- (ff) D105.3 Proximity to building. Amend to read: Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building and shall be positioned

parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

- (gg) D106.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.
- (hh) D107.2 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.