

ORDINANCE NO. 2024-\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2021 EDITION; BY AMENDING SECTION 20-25, INTERNATIONAL FIRE CODE ADOPTED, ARTICLE II, FIRE CODE, OF CHAPTER 20, FIRE PREVENTION AND PROTECTION; BY DELETING AND REPLACING SECTION 20-28 OF ARTICLE II, FIRE CODE; PROVIDING FOR PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; AND MAKING OTHER FINDINGS RELATED THERETO.**

\* \* \* \* \*

**WHEREAS**, the 2021 edition of the International Fire Code has been published, and adoption of the 2021 edition is now proposed; and

**WHEREAS**, the Fire Chief has reviewed and favorably recommends the adoption of the 2021 International Fire Code together with the local amendments appropriate for the City of Tomball, Texas; and

**WHEREAS**, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety, and welfare of its citizens to adopt the International Fire Code, 2021 edition, and amend said code;

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

**Section 1.** The facts and matters set forth in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Tomball, Texas is hereby amended by amending Section 20-25, International Fire Code adopted, Article II, Fire Code, by adding thereto the underlined and removing therefrom the strikethrough, as follows:

**“Sec. 20-25. – International Fire Code adopted.**

The International Fire Code, 2021 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said code is made a part hereof for all purposes, an authentic copy of which shall be kept on file with the city secretary. In the event of a conflict between any provision of the fire code adopted by this section and the life safety code adopted in section 20-26 of the City Code, the fire code shall prevail. In the event of a conflict between any provision of the fire code adopted by this section and the property maintenance code adopted in chapter 10, article IX of the City Code, the most restrictive provisions shall prevail.”

**Section 3.** The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting Section 20-28, Amendments to the 2021 International Fire Code, Article II, Fire Code, of Chapter 20, Fire Prevention and Protection, in its entirety and replacing it with a new Section 20-28, as follows:

**“Section 20-28. – Amendments to the 2021 International Fire Code.**

The following sections of the fire code adopted in Section 20-25 of the City Code are amended as follows:

- (a) Section 102.7 of the fire code adopted in section 20-25 is hereby amended to provide as follows:

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Whenever new editions or amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

- (b) Section 103 is hereby amended by deleting sections 103.1, 103.2, 103.3 of said code and substituting therefore a new section 103.1 to provide as follows:

*103.1 Fire Prevention Division.* The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code and shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the Fire Chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

- (c) Section 111 is hereby amended by deleting section 111.1 and substituting therefore a new section 111.1 to provide as follows:

*111.1 Board of Appeals Established.* The Board of Appeals shall be the Zoning Board of Adjustments of the City of Tomball, acting as the board of appeals under this code. For purposes of hearings on dangerous structures in violation of this code to such an extent that the fire code official is recommending the structure be ordered repaired, vacated or demolished, the hearing may be held before the board of appeals or the municipal court.

- (d) Section 112.4 of said code is hereby deleted in its entirety and the penalty provision in Section 1 -14 of the City Code is substituted in its place.

- (e) Section 113.4 of said code is hereby amended to provide as follows:

*113.4 Failure to comply.* Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work

as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as outlined in the penalty provision of section 1 – 14 of the city code.

- (f) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

*City* shall mean the City of Tomball, Texas.

*Fire Chief* shall mean the City of Tomball Chief of the Fire Department.

*Fire Code Official* shall mean the Fire Marshal, or a duly authorized representative, as the designated authority charged by the Fire Chief with the duties of administration and enforcement of the code.

*Fire Marshal*. See fire code official.

*Fireworks*. Any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

*Micro-education entity* shall mean a person or association of persons that (a) registers as a business entity in accordance with state and local laws; and (b) for compensation, provides education services to 100 students or fewer in any combination of students kindergarten through grade 12. *Micro-education entity* does not include: (i) a daycare; (ii) a home-based microschool; or (iii) a school within the public education system.

*Mobile Food Preparation Vehicles* shall mean any vehicle used for the purpose of preparing and serving consumable items to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

*Standby Personnel* shall mean qualified fire service personnel, approved by the Fire Chief or Fire Marshal. When utilized, the number required shall be as directed by the Fire Chief or Fire Marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

- (g) Section 307.2 of said code is hereby amended to provide as follows:

*307.2 Permit required*. A permit shall be obtained from the fire code official in accordance with section 105.5 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, county or local temporary or permanent bans on open burning.
3. Local written policies as established by the code official.

(h) Section 307.2.2 of said code is hereby added to provide as follows:

*307.2.2. Open burning.* Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the Fire Marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

(i) Section 307.2.3 of said code is hereby added to provide as follows:

*307.2.3 Trench burns.* Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

(j) Section 307.4 of said code is hereby amended to provide as follows:

*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.

(k) Section 307.4.1 of said code is hereby deleted in its entirety.

(l) Section 307.4.2 of said code is hereby deleted in its entirety.

(m) Section 307.5 of said code is hereby amended to provide as follows:

*307.5 Attendance.* Approved and permitted fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The Fire Marshal may require a dedicated standby of qualified personnel to assist in the supervision.

(n) Section 308.1.2 of said code is hereby amended to provide as follows:

*308.1.2 Throwing or placing sources of ignition.* No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

(o) Section 308.1.4 of said code is hereby amended to provide as follows:

*308.1.4 Open-flame devices.* Charcoal burners and other open-flame devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(p) Chapter 3 of said code is hereby amended by deleting sections 319.1, 319.2 of said code and substituting therefore new sections 319.1, 319.2 to provide as follows:

*319.1 General.* Mobile food preparation vehicles shall comply with this section.

*319.2 Inspection and Permit required.* Inspection by the fire code official shall be required prior to the operation of any mobile food preparation vehicle within the city limits. A permit shall be required in accordance with Section 105.5 of this code, unless a mobile food truck permit has been issued for the vehicle by the State Department of State Health Services or a local government acting pursuant to the same or similar statutory authority

(q) Section 404 of said code is hereby amended by adding section 404.5 to provide as follows:

*404.5 Evacuation plan retention box.* Where determined by the fire code official based on the hazards of a specific location or occupancy, certain occupancies or locations shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

(r) Section 503.2.1 of said code is hereby amended to provide as follows:

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (6096 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).

(s) Section 503.3 of said code is hereby amended to provide as follows:

*503.3 Marking.* Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words lettered "FIRE LANE—NO PARKING—TOW AWAY ZONE" shall appear in four inch (4") white letters 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. The word lettering shall be spaced not more than fifty feet (50') apart.

2. Signs—Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be twelve inches (12") wide and eighteen inches (18") high. Signs shall be painted on a white background with letters and borders in red, using not less than two-inch (2") lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Marshal.

(t) Section 503.4 of said code is hereby amended to provide as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 and 503.2.2, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

(u) Section 506.1.1 of said code is hereby amended to provide as follows:

*506.1.1 Type of lock or key lock box required.* The Fire Marshal shall designate the type of lock or key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

(v) Section 807.5.2.2 of said code is hereby amended by adding an exception to provide as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

(w) Section 901.7 of said code is hereby amended by deleting section 901.7 of said code and substituting therefore a new section 901.7 to provide as follows:

*901.7 Systems out of service.* Where a required fire protection or detection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with

at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

- (x) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

Section 903.2.10;

Section 903.2.11.3;

- (y) Section 903.2 of said code is hereby amended by adding the following paragraph:

An automatic fire sprinkler system shall be required through any building if the building or any individual suite in a multitenant structure, having a fire area and/or occupant load greater than that allowed by the code without a fire sprinkler system is effected by building alterations, remodel, other construction, or a manmade or natural disaster, including fire, to an extent that: (i) 50% of the total square footage of the structure is impacted by the construction, disaster or requires repair, or (ii) repair costs amount to a sum that is equal to or greater than 50% of the appraised value of the structure as shown on the County's tax roll the year preceding the disaster or the alterations, remodel or construction is scheduled to occur.

- (z) Section 903.3.1.2 of said code is hereby amended to provide as follows:

*903.3.1.2 NFPA 13R sprinkler systems.* Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, regardless of construction type, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

- (aa) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

- (bb) Section 903.4.1 of said code is hereby amended by deleting section 903.4.1 of said code and substituting therefore a new section 903.4.1 to provide as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an *approved* supervising station through a dedicated function fire alarm control unit or a fire alarm control panel. Each alarm, supervisory, and trouble signal shall be addressable and identify the building, zone or riser location when initiated or activated. When approved by the Fire Code Official, a performance-based alternative may be approved.

Exceptions:

Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

(cc) Section 907.2 of said code is hereby amended to provide as follows:

*907.2 Where required—new buildings and structures.* A manual and automatic fire alarm system shall be provided in new buildings and structures, 5000 square feet or larger, in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with at least one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances, and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector. All public areas shall be protected by smoke detectors unless otherwise deemed necessary by the Fire Marshal.

Exceptions:

The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.

(dd) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

(a) Manual fire alarm boxes. These shall be an approved double action type.

(ee) Section 907.6.6 of said code is hereby amended to provide as follows:

*Section 907.6.6 Monitoring.* Alarms, supervisory and trouble signals shall be automatically transmitted to an approved supervising station, each alarm supervisory and trouble signal shall identify the building, room and location of the specific device that was initiated or activated. When approved by the Fire Code Official, a performance-based alternative may be approved.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.



(ff) Section 912.1 of said code is hereby amended to provide as follows:

Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with [Sections 912.2](#) through [912.7](#). The fire department connection for standpipe systems shall be located remotely for all tilt-wall construction buildings and buildings three stories and above as determined by the Fire Code Official.

(gg) Section 1006.2 of said code is hereby amended to provide as follows:

Rooms, areas or spaces, including *mezzanines*, within a story or *basement* shall be provided with the number of *exits* or access to *exits* in accordance with this section. Each individual tenant space in a multi-tenant structure shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load, as determined by the Fire Code Official.

(hh) Section 5601.1.3 of said code is hereby deleted in its entirety and a new section 5601.1.3 is substituted therefore to provide as follows:

*5601.1.3 Fireworks.* The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling, and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.
2. The use of fireworks for approved displays as permitted in section 5608

(ii) Appendices.

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Board of Appeals;

(2) The following appendices contained in this code are adopted in their entirety:

Appendix B, Fire-Flow Requirements for Buildings;

Appendix C, Fire Hydrant Locations and Distribution;

Appendix D, Fire Apparatus Access Roads;

Appendix F, Hazard Ranking;

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions;

Appendix I, Fire Protection Systems—Noncompliant Conditions;

Appendix J, Building Information Sign; and

Appendix K, Construction Requirements for Existing Ambulatory Care Facilities;

Appendix L, Requirements for Fire Fighter Air Replenishment Systems; provided, however, this Appendix L shall apply to new construction only.

Appendix M, High-Rise Buildings—Retroactive Automatic Sprinkler Requirement.

(3) The following appendices contained in this code are for information only and not intended for adoption:

Appendix E, Hazard Categories;

Appendix G, Cryogenic Fluids—Weight and Volume Equivalents

(jj) Appendix table D103.4 of said code is hereby deleted in its entirety and a new appendix table D103.4 is substituted therefore to provide as follows:

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	24	None required
151-500	24	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

(kk) The following subsection 1 of section D103.5 of appendix D of said code is hereby amended to provide as follows:

The minimum gate width shall be 24 feet for all gates securing the fire apparatus access roads.

**Section 4.** All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

**Section 5.** In the event any clause, provision, sentence, or part of the Ordinance or the application of the same to any person or circumstances 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 Tomball, Texas declares that it would have been 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.** This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City’s Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

COUNCILMEMBER FORD	_____
COUNCILMEMBER GARCIA	_____
COUNCILMEMBER DUNAGIN	_____
COUNCILMEMBER COVINGTON	_____
COUNCILMEMBER PARR	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

COUNCILMEMBER FORD	_____
COUNCILMEMBER GARCIA	_____
COUNCILMEMBER DUNAGIN	_____
COUNCILMEMBER COVINGTON	_____
COUNCILMEMBER PARR	_____

FOR THE CITY

\_\_\_\_\_  
LORI KLEIN QUINN

ATTEST:

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Tracylynn Garcia, City Secretary