

ORDINANCE NO. 2006-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING A NEW SECTION 34-7 TO ARTICLE I OF CHAPTER 34 THEREOF, PROVIDING THAT DRIVING OVER A FIRE HOSE IS PROHIBITED; BY DELETING SECTIONS 34-32, 34-33, AND 34-35 OF ARTICLE II OF CHAPTER 34 THEREOF; BY DELETING ARTICLE III OF CHAPTER 34 THEREOF AND SUBSTITUTING THEREFORE A NEW ARTICLE III OF CHAPTER 34, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE AND PROVIDING FOR AMENDMENTS TO THE INTERNATIONAL FIRE CODE; BY DELETING ARTICLE IV OF CHAPTER 34 THEREOF AND SUBSTITUTING THEREFORE A NEW ARTICLE IV OF CHAPTER 34, CREATING STANDARDS FOR THE INSTALLATION OF FIRE SPRINKLER SYSTEMS AND PROVIDING FOR AMENDMENTS TO NFPA 13D; BY ADDING A NEW ARTICLE V OF CHAPTER 34 THEREOF, PROVIDING FOR THE DESIGNATION AND CREATION OF FIRE LANES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Section 34-7 to Article I of Chapter 34 to read as follows:

“ARTICLE I. IN GENERAL

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Sec. 34-7. Driving over fire hose prohibited.

It shall be unlawful for any person or persons to drive or cause to be driven, any vehicle whatsoever, over, across, or upon any hose used for conducting water from any fire engine, fireplug, or hydrant.”

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Sections 34-32, 34-33, and 34-35 of Article II of Chapter 34 thereof.

Section 3. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Article III of Chapter 34 thereof and substituting therefore a new Article III of Chapter 34 to read as follows:

“ARTICLE III. FIRE PREVENTION CODE*"

Sec. 34-71. International Fire Code adopted.

For the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire, the City of Tomball hereby adopts the *International Fire Code*, 2003 Edition, hereinafter sometimes referred to as the “Code,” with Appendix Chapters “B” through “G,” as published by the International Code Council, Inc., save and except such portions as are deleted or amended by this ordinance, and the same are hereby adopted and incorporated as fully as if set out at length herein. One (1) copy of the Code is now filed in the office of the city secretary. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Tomball and its extraterritorial jurisdiction.

Sec. 34-72. Treatment for odor.

All liquefied petroleum or natural gas sold within the city shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping and/or equipment.

Sec. 34-73. Gas flare fires.

It shall be unlawful for any person to allow gas flares to burn within the city.

Sec. 34-71. Amendments to the International Fire Code.

(a) Section 102.4 of said Code is hereby amended to read as follows:

102.4 Application of other codes. The design and construction of new structures shall comply with this Code, and other codes as applicable. Repairs, alterations and additions to existing structures shall comply with this Code and the *International Building Code*, 2003 Edition.

(b) Section 102.6 of said Code is hereby amended to provide as follows:

102.6 Referenced codes and standards. The codes and standards referenced in this Code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply. Whenever 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. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

(c) Section 103 is hereby amended by deleting Sections 103.1, 103.2 and 103.3 of said Code and substituting therefore a new Section 103.1 to provide as follows:

103.1 Department of Fire Prevention. The enforcement of this Code shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the Fire Chief and serve in the position at the pleasure of the Fire Chief. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief. Said deputies shall serve at the pleasure of the Fire Chief and may be removed without cause by the Fire Chief.

(d) Section 105.6.31 of said Code is hereby amended to provide as follows:

105.6.31 Outdoor burning. The following provisions are applicable to open burning within the city:

1. **Outdoor burning prohibited.** Outdoor burning of any kind is hereby prohibited anywhere within the corporate limits of the city, except as may be permitted herein. This prohibition includes burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphalt materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

2. **Exceptions.** Outdoor burning may be authorized under the following exceptions and pursuant to a permit issued by the city:

(i) **Outdoor Disposal or Deposits of Ignitable Material Prohibited.** Outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of solid fossil fuels is prohibited anywhere within the corporate limits of the city.

(ii) **Outdoor fires for non-commercial food preparation.** Outdoor fires are allowed for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea, made of brick, stone, metal or other fireproof material in such a manner as to prevent said fire from escaping. Such outdoor fires for non-commercial food preparation do not require a burn permit. This subsection does not permit or authorize the burning of waste or other matters not being prepared for consumption.

(iv) ***Fires used for recreation and ceremony.*** Outdoor burning may be authorized for fires used solely for recreational or ceremonial purposes.

(v) ***Other necessary burning.*** If not otherwise authorized by this section, outdoor burning may be authorized by written permission from the Fire Marshal if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or to a violation of any federal or state primary or secondary ambient air standard. The Fire Marshal may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the Fire Marshal at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

3. ***Revocation of permit or authority to burn.*** The Fire Marshal is authorized to revoke any person's or entity's right to conduct an outdoor burn, and to pursue action for penalty or enforcement against the person or entity, if the Fire Marshal determines that this article or a permit was violated.

4. ***Requirements and procedures for obtaining outdoor burning permit.***

(i) Application for a "Permit to Burn" shall be made to the Fire Marshal in writing by the owner, operator, or other person in control of the property upon which the burning is to occur. The application shall be on a form provided by the Fire Marshal's office and shall include the applicant's name, address, telephone number, and a valid driver's license or identification number.

(ii) The permit shall be effective for the time period indicated on the permit.

(iii) The permit is effective only if the burn is conducted in compliance with and under the conditions specified in the permit.

(iv) Applicant shall obtain final approval to burn from the Fire Marshal's office immediately prior to the start of burning, and at the beginning of each day upon which burning is to take place, to ensure that weather conditions are and will remain conducive to the type of burning authorized by the permit.

(v) The permit shall be considered automatically voided if the Fire Marshal's office considers the conditions unsafe.

5. **Fee for permit.** The fees for all permits under this article shall be as established and modified by the city council.

6. **General requirements for burning.** Outdoor burning which is otherwise authorized shall also be subject to the following requirements:

(i) Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure or sensitive receptor.

(ii) If at any time the burning causes or may tend to cause smoke to blow onto or across a street, road, or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(iii) Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessor control and such approval is submitted to the Fire Marshal prior to the burn.

(iv) Burning shall be conducted in compliance with the following meteorological and timing considerations:

A. The burning shall commence no earlier than 9:00 a.m. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke ~~form~~ from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

B. In cases where fires will take place over more than 24 hours pursuant to a permit, the permittee or his designated agent shall contact the Fire Marshal's office each day that burning will occur, prior to the fire being lit, to determine whether and under what conditions burning will be allowed on that day.

C. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour, or greater than 12 miles per hour during the burn period.

D. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

E. A responsible person shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply, or have other, appropriate fire extinguishing equipment for example, bulldozer or water tankers readily available for use.

F. In order to allow time for the extinguishments of a fire, no new material may be added to the burning pile after 3:00 p.m.

G. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.

H. Only brush/vegetation generated and gathered from the burn site area will be permitted to be burned on the site. There shall be no importation of brush or vegetation from any other properties for the purpose of burning.

7. ***Responsibility for consequence of outdoor burning.*** The authority to conduct outdoor burning under this article does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning, and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this article. Further, each permittee assumes all liability and responsibility for all damages to all persons or property caused by burning hereunder.

(e) Section 109.3 of said Code is hereby amended to provide as follows:

109.3 Violation penalties. Any person, firm, corporation, or other entity who violates 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 misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00) or by imprisonment not exceeding twenty (20) days or both

such fine and imprisonment. Each day that a violation continues shall constitute a separate offense.

(f) Section 111.4 of said Code is hereby amended to provide as follows:

111.4 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 not to exceed two thousand dollars (\$2,000.00).

(g) Section 202 of the Code is hereby amended by adding and/or changing the following definitions:

CITY. Shall mean the City of Tomball, Texas.

CODE OFFICIAL. The Fire Marshal, or a duly authorized representative, is the designated authority charged by the Fire Chief with the duties of administration and enforcement of the Code.

FIRE CHIEF. Shall mean the City of Tomball Chief of the Fire Department.

FIRE MARSHAL. See Code Official.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals, or standby personnel when required by the Fire Code Official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

HIGH-RISE BUILDING. A building having any floors used for human occupancy located more than 55 feet (16,764 mm) or three stories above the lowest level of fire department vehicle access.

SELF-SERVICE STORAGE FACILITY. Real property designated 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.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

OCCUPANCY CLASSIFICATION FOR ASSEMBLY GROUP. Group A occupancy includes among others, the use of a building or structure, or a portion thereof, for gathering together of persons for purpose such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than 50

persons and accessory to another occupancy shall be included as a part of the occupancy. Assembly occupancies shall include the following:
(occupancies shall remain the same)

(h) 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 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. 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.

(i) Section 307.3 of said Code is hereby amended to provide as follows:

307.3 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.

(j) Section 307.3.3 of said Code is hereby amended to provide as follows:

307.3.3 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

(k) Section 307.4 of said Code is hereby amended to provide as follows:

307.4 Attendance. Open burning, trench burns, bonfires or recreational fires shall be constantly attended until the fire is 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, barrel, garden hose or water truck, shall be available for immediate utilization.

(l) Section 308.3.1 of said Code is hereby amended to provide as follows:

308.3.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One and two-family dwellings.
2. Where buildings, balconies, patios, and decks are protected by an approved automatic sprinkler system.

(m) Section 308.3.1.1 of said Code is hereby amended to provide as follows:

308.3.1.1; Liquefied-petroleum-gas-fueled cooking devices. When permitted as listed in the exceptions of Section 308.3.1, LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One and two-family dwellings, and other residential occupancies when those residential occupancies are in compliance with Section 308.3.1, exception #2, may have containers with a water capacity not greater than 20 pounds (9.08 kg) [nominal 1 pound (0.454 kg) LP-gas capacity].

(n) Section 405.1 of said Code is hereby amended to provide as follows:

405.1 General. Emergency evacuation drills complying with the provisions of this section shall be conducted in the occupancies listed in Table 405.2, or when required by the Fire Code Official. Drills shall be designed in cooperation with the local authorities.

(o) Section 307.2 of said Code is hereby amended to provide as follows:

Table 405.2 Add a new group “all others listed in 404.2 shall be annual.”

(p) Section 503.1.1 of said Code is hereby amended by adding a sentence to the first paragraph to provide as follows:

Except for single or two-family residences, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

(q) 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 (7315 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

(r) Section 503.2.2 of said Code is hereby amended to provide as follows:

503.2.2 Authority. The Code Official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

(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 at 25 feet 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" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 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 fifty feet (50') 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 any area

marked as a fire lane as described in Section 503.3, shall be maintained at all times.

(u) Section 506 of said Code is hereby deleted and a new Section 506 is substituted therefore to provide as follows:

506.1 Key boxes required. The following structures and/or properties shall be equipped with a key lock security system box at or near the main entrance or such other location as required by the Fire Marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire systems or fire detection alarm systems that report to an alarm monitoring center;
2. Multi-family residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
3. Buildings, regardless of use or occupancy, that contains six or more occupancies within the same structure that have restricted common entryways and exit ways into the common area of the building;
4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to private streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or
5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for fire and EMS services.

506.2 New construction. All newly constructed structures subject to this Section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

506.3 Type of key lock box required. The Fire Marshal shall designate the type of 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.

506.4 Access to buildings. The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

506.5 Exceptions to application. The following structures and/or property are exempt from the key lock box requirements of this section:

1. Single family residential dwellings; and

2. Any building and/or property that has twenty-four hours, seven days a week guard or attendant service.

(v) Section 704.1 of said Code is hereby amended to provide as follows:

704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Table 704.1. When openings are required to be protected, openings into such shafts shall be maintained by self-closing or automatic-closing upon smoke detection. Existing fusible-link-type automatic door-closing devices are permitted if the fusible link rating does not exceed 135°F (57°C).

(w) Section 803.3.2 and Section 803.4.2 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.

Section 804.1.1; add a second exception to read as follows:

(x) Section 804.1.1 of said Code is hereby amended by adding a second exception to provide as follows:

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1, and R-2.
2. Trees shall not be prohibited inside private dwelling units of Group R-2 Occupancies.

(y) Section 901.7 of said Code is hereby amended to provide as follows:

901.7 Systems out of service. Where a required fire protection 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.

(z) Section 902.1 of said Code is hereby amended by adding a sentence under “Standpipe, Types of” definition, revise “Manual dry” to provide as follows:

The system must be supervised as specified in Section 905.2.

(aa) Section 902.1 of said Code is hereby amended by changing the following definition:

Fire Area. The aggregate floor area enclosed by the exterior walls of the building.

(bb) Section 903.2 of said Code is hereby amended by deleting this exception.

(cc) Section 903.2.2 of said Code is hereby amended to provide as follows:

Section 903.2.2 Group E. An automatic sprinkler system shall be provided for newly constructed Group E occupancies as follows:

- 1: Throughout all Group E fire areas greater than 15,000 square feet in area.
- 2: Throughout every portion of educational buildings below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

(dd) Section 903.2.3 of said Code is hereby amended to provide as follows:

Section 903.2.3 Group F-1. An automatic sprinkler system shall be provided throughout all newly constructed buildings containing Group F-1 occupancy where one of the following exists:

- 1: Where the Group F-1 fire area exceeds 12,000 square feet;
- 2: Where the Group F-1 fire area contains more than one story above grade; or
- 3: Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet.

(ee) Section 903.2.3.1 of said Code is hereby amended to provide as follows:

903.2.3.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all newly constructed Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area which generate finely divided combustible waste or which use finely divided combustible materials.

(ff) Section 903.2.6 of said Code is hereby amended to provide as follows:

903.2.6 Group M. An automatic sprinkler system shall be provided throughout all newly constructed buildings containing Group M occupancy where one of the following conditions exists:

- 1: Where a Group M fire area exceeds 12,000 square feet;
- 2: Where a Group M fire area contains occupancy space that is located more than two stories above grade; or
- 3: Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 20,000 square ft.

(gg) Section 903.2.7 of said Code is hereby amended to provide as follows:

Section 903.2.7 Group R-1. An automatic sprinkler system shall be provided throughout all newly constructed buildings with a Group R-1 fire area.

Exceptions:

1. Where guestrooms are not located more than two stories in height and the building contains less than 20 guest rooms above the lowest level of exit discharge and each guestroom has at least one door leading directly to an exterior exit access that leads directly to approved exits.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in buildings, or portions thereof, of Group R-1.

(hh) Section 903.2.7.1 of said Code is hereby amended to provide as follows:

Section 903.2.7.1 Group R-2. An automatic sprinkler system shall be provided throughout all newly constructed buildings with a Group R-2 fire area where any of the following conditions apply:

1. The R-2 contains more than one story in height, including basements; or
2. The building contains more than 16 dwelling units; or
3. The building contains fraternities and/or sororities with an occupant load of more than 10.

Exception: A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in buildings, or portions thereof, of Group R-2.

(ii) Section 903.2.7.2 of said Code is hereby amended to provide as follows:

Section 903.2.7.2 Group R-4. An Automatic Sprinkler system shall be provided throughout all newly constructed buildings with Group R-4 fire area where any of the following conditions apply:

1. The building contains more than six occupants.

(jj) Section 903.2.8.1 of said Code is hereby amended to provide as follows:

903.2.8.1 Repair Garages. An automatic sprinkler system shall be provided throughout all newly constructed buildings used as repair garages in accordance with the International Building Code, as follows:

- 1: Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 7,000 square feet.
- 2: One-story buildings with a fire area containing a repair garage exceeding 10,000 square feet.
- 3: Buildings with a repair garage servicing vehicles parked in the basement.

(kk) Section 903.2.8.3 of said Code is hereby amended to provide as follows:

903.2.8.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all newly constructed self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors and have a one-hour fire barrier separation wall installed between every storage compartment.

(ll) Section 903.2.10 of said Code is hereby amended by changing Section 903.2.10.3, and adding Sections 903.2.10.4, 903.2.10.5, and 903.2.10.6 to provide as follows:

903.2.10.3 Buildings more than thirty feet (30') or three (3) stories in height. An automatic sprinkler system shall be installed throughout all newly constructed buildings with a floor level, other than penthouses in compliance with Section 1509 of the International Building Code that is located thirty feet (30') or three (3) stories or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.3 of the International Building Code.

903.2.10.4 High-Piled Combustible Storage. For any building with a clear height exceeding twelve feet (12'), see Chapter 23 to determine if those provisions apply.

903.2.10.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.10.6 Mixing Room. New and existing mixing booths shall be protected by an approved automatic fire-extinguishing system.

(mm) Section 903.3.1.1.1 of said Code is hereby amended to provide as follows:

903.3.1.1.1 Exempt locations. When approved by the Code Official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Code Official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by

walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two (2) hours.

4. In rooms or areas that are of noncombustible construction with wholly noncombustible contents.

(nn) 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, sprinkler protection is required in attic spaces of such buildings three or more stories in height.

(oo) Section 903.3.3.5 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.

(pp) Section 903.4 of said Code is hereby amended by adding a second paragraph after the exceptions to provide as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

(qq) Section 903.4.3 of said Code is hereby amended to provide as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings.

(rr) Section 905.2 of said Code is hereby amended to provide as follows:

905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3.2; delete exceptions #1 and #2.

(ss) Section 905.3.2 of said Code is hereby amended by deleting exceptions #1 and #2.

(tt) Section 905.4 of said Code is hereby amended by changing item #5 to provide as follows:

5. Where the roof has a slope less than four units vertical in twelve (12) units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

(uu) Section 905.9 of said Code is hereby amended by adding a second paragraph after the exceptions to provide as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

(vv) Section 907.1.3 of said Code is hereby amended to provide as follows:

907.1.3 Design Standards. All alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than seventy-five (75) smoke detectors or more than two hundred (200) total alarm-activating devices shall be analog intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.

(ww) Section 907.2.3 of said Code is hereby amended to provide as follows:

907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one

building for alarm occupant load consideration and interconnection of alarm systems.

(xx) Section 907.2.3 of said Code is hereby amended by changing exception #1 and by adding exception #1.1 to provide as follows:

1. Group E educational and day care occupancies with an occupant load of less than fifty (50) when provided with an approved automatic sprinkler system.
 - 1.1 Residential In-Home day care with not more than twelve (12) children may use interconnected single station detectors in all habitable rooms (For care of more than five (5) children 2 1/2 or less years of age, see Section 907.2.6).

(yy) Section 907.2.12 of said Code is hereby amended to provide as follows:

907.2.12 High-rise buildings. Buildings having any floors used for human occupancy located more than fifty-five feet (16,764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2.

(zz) Section 907.2.12, Exception #3 of said Code is hereby amended to provide as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to skyboxes, restaurants and similarly enclosed areas.

(aaa) Section 907.4 of said Code is hereby amended by adding a second paragraph to provide as follows:

Manual alarm actuating devices shall be an approved double action type.

(bbb) Section 907.6.1 of said Code is hereby amended to provide as follows:

907.6.1 Installation. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. IDC - Class "A" Style D - SLC Class "A" Style 6 - notification Class "B" Style Y.

(ccc) Section 907.9.2 of said Code is hereby amended to provide as follows:

907.9.2 High-rise buildings. In buildings that have any floor located more than fifty-five feet (16,764 mm) above the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detection devices or suppression systems.

(ddd) Section 907.15 of said Code is hereby amended to provide as follows:

Section 907.15 Monitoring. An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all manual, automatic, or manual and automatic fire alarm system.

Exception: Supervisory service is not required for:

1. Smoke detectors in Group I-3 occupancies.
2. Automatic Sprinkler systems in one-and two-family dwellings

(eee) Section 913.4 of said Code is hereby amended by adding a second paragraph to provide as follows:

The fire-pump system shall also be supervised for "loss of power," "phase reversal" and "pump running" conditions by supervisory signal on distinct circuits.

(fff) Section 1008.1.3.4 of said Code is hereby amended by adding criteria #7 to provide as follows:

7. If a full building smoke detection system is not provided, approved smoke detectors shall be provided on both the access and egress sides of doors and in a location approved by the authority having jurisdiction of NFPA 72. Actuation of a smoke detector shall automatically unlock the door.

(ggg) Section 1016.1 of said Code is hereby amended by adding an exception #5 to provide as follows:

5. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

(hhh) Section 1019.1.8 of said Code is hereby amended to provide as follows:

1019.1.8 Smoke-proof enclosures. In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where any floor surface is located more than fifty-five feet (16,764 mm) above the lowest level of fire department vehicle access or more than thirty feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smoke-proof enclosure or pressurized stairway in accordance with Section 909.20 or the *International Building Code*.

(iii) Section 1502 of said Code is hereby amended by adding the following definition to provide as follows:

MIXING ROOM. See SPRAY AREA

(jjj) Section 1504.6 of said Code is hereby amended to provide as follows:

1504.6 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9 which shall also protect exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.

(kkk) Section 2302 of said Code is hereby amended by adding a second paragraph to the definition of "High-Piled Combustible Storage" to provide as follows:

Any building exceeding 3,000 square feet that has a clear height in excess of 12 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height.

(lll) Section 2404.20 of said Code is hereby amended to provide as follows:

2404.20 Standby personnel. When, in the opinion of the Code Official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ standby personnel to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures as directed by the Fire Marshal. Such duties may include, but not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

There shall be trained crowd managers or crowd manager supervisors at a ratio of one crowd manager/supervisor for every 250 occupants, as approved by the Fire Code Official.

(mmm) Section 3204.3.1.1 of said Code is hereby amended by changing the second paragraph to provide as follows:

The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the city limits unless approved by Special Use Permit and with the approval of the Fire Marshal.

(nnn) Section 3301.1.3 of said Code is hereby amended by deleting the “exceptions” contained in paragraphs numbered 1 through 4.

(ooo) Section 3305.1 of said Code is hereby amended to provide as follows:

3305.1 General. The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks is prohibited.

(ppp) Section 3305.2 through 3305.9 of said Code are hereby deleted.

(qqq) Section 3404.2.11.5 of said Code is hereby amended by adding a sentence to provide as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

(rrr) Section 3406.5.4.5 and 3406.5.4.5.1 through 3406.5.4.5.3 of said Code are hereby amended to provide as follows:

3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or

manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

3406.5.4.5.1 Site requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a. All buildings, structures, and appurtenances on site and their use or function;
 - b. All uses adjacent to the property lines of the site;
 - c. The locations of all storm drain openings, adjacent waterways or wetlands;
 - d. Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
 - e. The scale of the site plan.
3. The Code Official is authorized to impose limits upon: the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.
5. Mobile fueling shall not take place within 15 feet (4.572 m) of buildings, property lines, or combustible storage.

3406.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's

specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.

3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48m) in length.
7. Absorbent materials, non-water absorbent pads, a 10-foot (3.048 m) long containment boom, an approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resetting of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

3406.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Nighttime fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

(sss) Section 3803.2.1.8 of said Code is hereby amended to provide as follows:

3803.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

(ttt) Section 3804.2 of said Code is hereby amended by adding an exception #2 to provide as follows:

Exceptions:

2. Except as permitted in 308.3, LP-gas containers are not permitted in residential areas where city natural gas is provided.

(uuu) Appendix Table D103.4 of said Code is hereby amended to provide as follows:

Table D103.4 Width should be a minimum of 24 feet.

(vvv) Appendix D103.5 of said Code is hereby amended to provide as follows:

Appendix D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 24 feet.”

Section 4. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Article IV of Chapter 34 thereof and substituting therefore a new Article IV of Chapter 34 to read as follows:

**“ARTICLE IV. STANDARDS FOR THE INSTALLATION
OF FIRE SPRINKLER SYSTEMS**

**Sec. 34-91. NFPA 13, NFPA 13D, and NFPA 13R 1999 Edition Standards for
the Installation of Sprinkler Systems.**

The NFPA 13, NFPA 13D, and NFPA 13R, 1999 Editions Standards, hereinafter sometimes referred to as the “standards”, as published by the National Fire Protection Association, Inc., and as amended herein, are hereby adopted. A copy of said standard is attached to the ordinance from which this section is derived and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 34-92. Amendments to NFPA 13D.

(a) Section 1-3 of NFPA 13 D is hereby amended by deleting the definition of ‘Check Valve’ and substituting therefore a new definition to provide as follows:

Double Check Valve. A valve that allows flow in one direction only, on the system side, as depicted on the diagram of the same on the Attachment No. 1 hereto.

(b) Section 3-1.1 of NFPA 13D is hereby amended to provide as follows:

3-1.1 Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be

permitted to have a separate control valve where supervised by a central station or remote station alarm service.

(c) NFPA 13 D is hereby further amended by adding to Chapter 3 a new section 3-1.5 to provide as follows:

3-1.5 Dual Check Valve. Each sprinkler system shall be equipped with a dual check valve assembly, to be located on the sprinkler system side of the water meter, as depicted on Attachment 1 hereto.

(d) Section 4-6 of NFPA 13D is here by amended to provide as follows:

4-6 Location of sprinklers. Sprinklers shall be installed in all areas.

Exception No 1: Sprinklers are not required on rooms or enclosed areas of fifty-five (55) square feet or less.

Exception No 2: Sprinklers are not required in detached garages, open attached porches, carports, and similar open structures.

Exception No 3: Sprinklers are not required in attics that are not used for living space except that one (1) sprinkler head shall be placed over each heating device such as a hot water heater or home heating device.

Exception No 4: Sprinklers are not required in entrance foyers that are not the only means of egress.”

Section 5. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article V of Chapter 34 to read as follows:

“ARTICLE V. FIRE LANES

Sec. 34-93. Definitions.

For the purposes of this article and regulations contained therein, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; in the event such terms are not defined in these regulations, they shall be construed in their common and usual significance:

(a) *A fire lane* is defined for the purpose of this article to mean any area appurtenant to entrances or exits of a building deemed necessary by the Fire Marshal to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may, in the discretion of the Fire Marshal include sidewalks,

driveways, portions of parking lots, or any other area adjacent to or near the entrances or exits to any building.

(b) *A shopping center* is defined for the purposes of this article to mean a group of commercial business establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in location, size, and types of shops to the trade area that the unit serves.

(c) *A hospital* is defined for the purposes of this article to mean any public or private hospital, convalescent home or nursing home.

Sec. 34-94. Designation and location.

The Fire Marshal of the city is hereby authorized to designate fire lanes on the property of shopping centers and hospitals, as defined herein, appurtenant to buildings or the entrances or exits to stores, groups of stores or buildings, where in his opinion, such areas must be kept free of parked vehicles and other obstructions to provide ready access to such stores, groups of stores, or buildings, in case of fire or other emergencies. The designation by the Fire Marshal of such fire lanes shall never be held to make the city responsible for the maintenance of such fire lanes on private property, but the owner of such property shall continue to be responsible for the maintenance of such area. The official record of the designation and location of any such fire lanes shall be kept in the office of the Fire Marshal of the city and under the custody and control of the Fire Marshal of the city.

Sec. 34-95. Fire Lane marking.

Upon the designation of a fire lane pursuant to this article, the Fire Marshal shall give notice of such designation to the owner of such shopping center or hospital, directing the owner to cause signs to be posted at the expense of the owner, at either extremity of such fire lanes, lettered "FIRE LANE --NO PARKING—TOW AWAY ZONE." Such signs shall be of a standard size and color, of standard lettering and mounting, such standards of size, coloring and lettering to conform to patterns, drawings or samples of same to be obtained from the department of traffic and transportation of the city and such standards of mounting, including but not limited to the height above the grade at which such sign is to be mounted, to be adopted by the Fire Marshal of the city.

Sec. 34-96. Proposed construction; submittal of plot plans.

The building inspector of the city shall hereafter submit plot plans of proposed shopping center or hospital construction, prior to the issuance of a building permit thereon, to the Fire Marshal for his review and approval of the adequacy of fire lanes provided therefore.

Sec. 34-97. Parking prohibited within fire lane.

When signs are erected giving notice thereof, it shall be unlawful for the owner or operator of any motor vehicle to allow, cause or permit such vehicle to remain standing or parked within any fire lane hereafter designated by the Fire Marshal.

Sec. 34-98. Summons.

Any summons or notice to appear in answer to a charge of parking in violation of section 34-97 of this article shall be issued on official forms therefore prescribed by the city. Such summons or notice shall require the appearance of the violator before the municipal court of the city and all fines paid by the violator shall be paid to the municipal court clerk's department of the city. The summons or notice to appear in answer to a charge of parking in violation of section 34-97, specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by the fire marshal's office or any member of the city police department otherwise empowered to issue tickets for parking violations.

* **Cross reference** – Building code § 14-35 et seq; mechanical code § 14-65; electrical codes and standards § 14-285 et seq; housing code § 14-325 et seq; substandard building codes adopted § 14-340; plumbing and gas codes § 14-405 et seq.”

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 7. In the event any clause phrase, provision, sentence, or part of this 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 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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 6TH DAY OF MARCH, 2006.

COUNCILMEMBER QUINN	<u>AYE</u>
COUNCILMEMBER FORD	<u>AYE</u>
COUNCILMEMBER FAGAN	<u>AYE</u>
COUNCILMEMBER GATLIN	<u>AYE</u>
COUNCILMEMBER DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 6TH DAY OF MARCH, 2006.

COUNCILMEMBER QUINN	<u>AYE</u>
COUNCILMEMBER FORD	<u>AYE</u>
COUNCILMEMBER FAGAN	<u>AYE</u>
COUNCILMEMBER GATLIN	<u>AYE</u>
COUNCILMEMBER DRIVER	<u>AYE</u>

(signed) H. G. Harrington
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer
DORIS SPEER, City Secretary
City of Tomball