

ORDINANCE NO. 2022-24

AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL BUILDING CODE 2021 EDITION; ARTICLE III, MECHANICAL CODE, SECTIONS 5-61, ADOPTING THE INTERNATIONAL MECHANICAL CODE 2021 EDITION; ARTICLE IV GAS, SECTION 5-86 ADOPTING THE INTERNATIONAL FUEL GAS CODE 2021 EDITION; ARTICLE V, PLUMBING, SECTIONS 5-111, ADOPTING THE INTERNATIONAL PLUMBING CODE 2021 EDITION; ARTICLE VI, EXISTING BUILDING CODE, SECTION 5-136, ADOPTING THE INTERNATIONAL EXISTING BUILDINGS CODE 2021 EDITION; ARTICLE VII, ELECTRICAL CODE, SECTION 5-232, ADOPTING THE NATIONAL ELECTRIC CODE 2020 EDITION; ARTICLE VIII, LIFE SAFETY CODE, SECTION 5-326, ADOPTING THE LIFE SAFETY CODE 2021 EDITION; ARTICLE X, HOUSING CODE, SECTION 5-266, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2021 EDITION; AND CHAPTER 8, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, SECTION 8-36, ADOPTING THE INTERNATIONAL FIRE CODE 2021 EDITION; PROVIDING FOR A PENALTY OF NOT MORE THAN \$2,000 FOR EACH VIOLATION OF THE FIRE PREVENTION CODE

WHEREAS, the City Council previously deemed it necessary to adopt building regulations to help promote the public health, safety and general welfare of the citizens of the City of Boerne; and

WHEREAS, the building regulations are designed to minimize public and private losses due to inferior construction within the corporate limits of the City of Boerne; and

WHEREAS, the building regulations will help maintain a stable tax base by providing sound construction standards to minimize future blight; and

WHEREAS, from time to time it becomes necessary for the City to update and adopt the new editions with amendments to the various codes.

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

That the following Articles of Chapter 5, Buildings and Building Regulations, and Chapter 8, Fire Prevention and Protection of the Code of Ordinances, City of Boerne, Texas, are hereby amended to read as follows:

CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. CONSTRUCTION STANDARDS

Sec. 5-36. Codes adopted.

(a) The International Building Code, 2009-2021 Edition, together with all appendices except D, E, H, I and J, Section 101.4.1 of Chapter I and Chapter II (Accessibility), as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully.

(b) The International Residential Code, 2009 2021 Edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully.

(c) The International Energy Conservation Code, 2009 2021 Edition, together with all

appendices as published by the International Code Council, is hereby adopted and incorporated by reference as though was copied herein fully.

ARTICLE III. MECHANICAL CODE

Sec. 5-61. Code adopted. The International Mechanical Code, 2009 **2021** Edition, together with appendices, except 8, as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully, with amendments as currently shown in section 5- 63.

ARTICLE IV. GAS

Sec. 5-86. Code adopted.

The International Fuel Gas Code, 2009 **2021** Edition, together with all appendices, as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully, with amendments as currently shown in section 5- 87.

ARTICLE V. PLUMBING

Sec. 5-111. Code adopted.

The International Plumbing Code, 2009 **2021** Edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully, with amendments as currently shown in section 5-112.

ARTICLE VI. EXISTING BUILDINGS CODE

Sec. 5-136. Code adopted.

The International Existing Buildings Code, 2009 **2021** Edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully.

ARTICLE VII. ELECTRICAL CODE

Sec. 5-232 Code adopted

The National Electric Code, 2012 **2020** Edition, as published by the National Fire Protection Association, is hereby adopted and incorporated by reference as though was copied herein fully with the following:

~~Any conductor, whether it may be current carrying, noncurrent carrying, or grounded conductor with applications enclosed in any structure, conduit body, or enclosure shall be copper.~~

ARTICLE VIII. LIFE SAFETY CODE

Sec. 5-236. Code adopted.

The Life Safety Code, 2009 **2021** Edition, as published by the National Fire Protection Association is herein adopted and incorporated as though it was copied herein fully.

ARTICLE X. HOUSING CODE

Sec. 5-266. Code adopted.

The International Property Maintenance Code, 2009 2021 Edition, together with all appendices as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully.

CHAPTER 8. FIRE PREVENTION AND PROTECTION

ARTICLE II, FIRE PREVENTION CODE

Sec. 8-36. Amendment.

The International Fire Code 2009 2021 Edition, together with all appendices, except A, as published by the International Code Council is herein adopted and incorporated by reference as though it was copied herein fully with the following amendments:

Sec. 101.1 Title.

These regulations shall be known as the Fire Code of the City of Boerne, herein referred to as "this code".

Sec. 103.1 Creation of Agency.

The Boerne Fire Marshal's Office is hereby created and the official in charge thereof shall be known as the *fire code official*.

Sec. 103.4 Fire Marshal's office personnel and police.

Upon request by the Fire Marshal, the Chief of Police is authorized to assign available police officers as necessary to assist the Fire Marshal's Office in enforcing the provisions of this code.

~~Sec. 107.3 Permit Valuations~~

~~The applicant for a permit shall provide an estimated value at the time of application. Permit valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *fire code official*, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the *fire code official*. Final permit valuation shall be set by the *fire code official*.~~

~~Sec. 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 applicable governing authority and shall hold office at its pleasure. The board 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*.~~

Sec. 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 **misdemeanor**, punishable by a fine of not more than **two thousand dollars (\$2,000.00)** or by imprisonment not exceeding **31 days**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 202 General Definitions

Addressable Fire Detection System. A system capable of providing identification and location of individual alarm initiating devices. Such identification shall be transmitted to the central station and reported to the local PSAP for dispatching.

"Fire Code Official" as used in the International Fire Code, the NFPA and Life Safety Code, shall mean Boerne Fire Marshal.

High Rise Building. A building with an occupied floor more than **75 55** feet above the lowest level of fire department vehicle access.

"Jurisdiction" as used in the International Fire Code, the NFPA and Life Safety Code, shall mean the City of Boerne, Texas.

Sec. 307.3 Extinguishment Authority:

Where open burning, **recreational fires, or portable outdoor fireplaces** creates or adds to a hazardous situation, **or that is offensive because of smoke emissions,** or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the **fire** or open burning operation.

Sec. 308.1.4 Open-flame Cooking Devices

Charcoal burners and other open flame cooking devices shall not be operated on **combustible** balconies or within 10 feet of combustible construction. The storage or use of fuel fed cooking devices, fire rings, chimineas, fuel fired torches and similar devices on balconies or porches of group R occupancies shall be prohibited.

Exceptions:

1. One- and two-family dwellings.
2. **Where buildings balconies and decks are protected by an automatic sprinkler system.**
3. **LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].**

Sec. 503.2.1 Dimensions

Fire apparatus access roads shall have an unobstructed paved width of not less than **20 26** feet, **exclusive of shoulders**, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than **43 15** feet 6 inches.

Sec. 503.2.1.1 Divided Entrance to Property

When guard houses, security stations, medians, landscape islands or other similar use obstructions are so located as to create a one-way property access point and partially obstruct the entrance(s) to a property in any location, such one-way(s) property access point(s) shall be a minimum of 20 feet clear width on approach for the ingress side of the obstruction. This minimum width requirement is only applicable at the point(s) of obstruction and is not permitted along required Aerial Fire Apparatus Access Roads, Fire Apparatus Access Roads adjacent to fire hydrants or fire department connections or at any location where a Fire Apparatus is expected to be positioned for the duration of a fire incident.

Sec. 503.2.1.2. Mountable Curbs

Mountable curbs are permitted when approved by the fire code official.

Sec. 503.2.3 Surface

Fire apparatus access roads shall be designed and maintained to support a 75,000-pound imposed load of fire apparatus and the surface shall be made all-weather utilizing concrete or asphalt materials. A signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard.

Sec. 503.2.8 Angles of Approach and Departure

The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

The City of Boerne Fire Department standard is 6%.

Sec. 503.3 Marking

When required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Where curbs are present adjacent to a fire lane, the face and top of the curb shall be painted utilizing red traffic marking paint. The words NO PARKING– FIRE LANE shall appear in white four- inch block letters spaced at intervals of 20 feet on the curb face. If no curbs are present, a six-inch wide stripe, painted with red traffic marking paint, shall be applied to mark the boundaries of the fire lane. The words NO PARKING – FIRE LANE shall appear in white four-inch block letters spaced at intervals of 20 feet on the red border markings. Where the painting of fire lanes are deemed impractical or impossible by the fire code official, signs complying with IFC D103.6 Signs, shall be placed at intervals of 35 feet along the entire length of the approved fire lane. Fire lane markings shall be maintained by the property owner and shall at all times be clearly visible to vehicle operators.

Sec 503.3.1 Tampering with Fire Lane Markings and No-Parking Zone Designations

It is unlawful for any person without prior approval of the fire code official to attempt or in fact alter, destroy, deface, injure, knock down, or remove any sign designating a Fire Lane or No-Parking zone or to deface a curb marking, designating a fire lane, in any way.

Sec. 503.4 Obstruction of Fire Apparatus Access Roads

1. 503.4.1.2 Unattended vehicles. An owner or operator of a vehicle may not leave unattended a vehicle that:

- a. Is in or obstructs a vehicular traffic aisle, entry, or exit of a parking facility
- b. Is in or obstructs a designated fire lane
- c. Is in or obstructs a designated no parking zone

Sec 503.7 Fire Lane Designation.

The Fire Marshal is authorized to designate fire lanes on premises where such areas must be free of parked vehicles and other obstructions to provide ready access to buildings in case of fire or other emergencies. The Fire Marshal's designation of such fire lanes does not obviate the owner of such property of their responsibility to maintain the fire lanes. Owners of private property or their designated representative may request additional fire lanes be designated by the Fire Marshal.

507.5.1.2 Fire Hydrant Location and Authorization

Fire hydrants shall be located and authorized by the following criteria:

1. No fire flow credit is allowed for hydrants which are inaccessible such as, but not limited to, hydrants located across limited access highways, expressways, arterials, or across creeks, streams, or solid walls and fences greater than 36" in height without pedestrian gate access. Hydrants requiring fire apparatus operators to drive contrary to the normal direction of travel on one-way streets or highway access roads shall be considered inaccessible unless *approved* by the *fire code official*.

2. Fire hydrants shall be located within the public right-of-way or utility easement (unless hydrant is privately owned) and within 8' of fire apparatus access roads at street intersections or in islands separating parking areas which cannot be obstructed by parked vehicles. Hydrants in areas subject to physical damage shall be protected by approved bollards or other *approved* barriers. Fire hydrants located across four lanes of traffic or more (including turning lanes) or across medians are not considered accessible.

3. Where existing or proposed fire line(s) and/or existing or proposed fire hydrant(s) are to be used to meet the requirements of the adopted Fire Code and are provided from an adjacent lot, said appurtenances shall be provided with an *approved* dedicated utility easement. The easement is required to be recorded on the adjacent lot's plat that is proposing the shared access. The adjacent lot's plat is to clearly show the utility easement graphically.

Sec. 507.5.4.1 Stopping, Standing or Parking Prohibited In Certain Places

An owner or operator of a vehicle may not stop, stand or park a vehicle, trailer, boat or similar obstruction within 15 feet of a fire hydrant.

903.2.13 All New Buildings.

In addition to the requirements of section 903.2, All new buildings, other than one- and two-family dwellings, with a fire flow requirement as determined by IFC appendix B table B105.1(2) of 1501 gpm or greater, shall be equipped with an *approved* automatic fire sprinkler system in accordance with section 903.3.1.1.

An Exception to 903.2.13 is allowed where not required elsewhere in the adopted code, buildings of Type V-B construction less than 4801 square feet of floor area are exempt from requirements found in section 903.2.13. Floor areas are calculated based on outside dimensions of exterior walls and horizontal projections of the roof whichever is greater.

903.2.14 More than two stories. Buildings greater than two stories above or below grade level shall be equipped with an *approved* automatic fire sprinkler system in accordance with section 903.3.1.1. The hazard class designation shall be *approved* by the *fire code official*.

903.3.1.1.3 Freeze protection.

In addition to the freeze protection requirements for automatic fire sprinkler systems found in NFPA 13, all attic spaces subject to temperature exposure below 40 degrees shall comply with one of the following:

1. Automatic fire sprinklers located in attic spaces shall be supplied by dry pipe systems only.
2. Branch lines on wet systems serving attic spaces must have installed, a monitored control valve assembly to isolate attic branch lines subject to noncompliant temperature standards.

Sec. 905.3.1 Height

905.3.1 Height. ~~Class III~~ **Class I** standpipe systems shall be installed throughout buildings where the following condition exist:

- ~~1. Four or more stories are above or below grade plane.~~

2. 1. The floor level of the highest story is located more than 30 feet 20 feet above the lowest level of fire department vehicle access.

3. 2. The floor level of the lowest story is located more than 30 feet 20 feet below the highest level of fire department vehicle access.

Sec. 907.8.5 Nuisance Alarms

The property owner or responsible tenant of an occupancy in which the fire alarm system transmits multiple false alarm signals as a result of repetitive mechanical or equipment failure or lack of proper system maintenance in a rolling 12-month period shall be fined as follows:

1. First Offense. Upon the fifth nuisance alarm, the owner or responsible tenant shall be fined \$100.
2. Second Offense. Upon the seventh nuisance alarm, the owner or responsible tenant shall be fined \$250.
3. Third Offense. Upon the tenth and all subsequent nuisance alarms, the owner or responsible tenant shall be fined \$625.

False and nuisance alarms resulting from weather related or false pull station activation shall not be considered nuisance alarms.

Sec. 912.5.1 FDC signs

The letters "FDC" in 6-inch red letters, displayed on a metal sign having the dimensions of 12 inches wide by 8 inches high, on a white reflective background shall be permanently attached to the wall directly above the fire department connection at a point six to eight feet above finished grade. Such signs shall be visible from the street at all times.

Sec. 1103.5.3 Group I-2 Condition 2

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 Section 903.3.1.1. The automatic sprinkler system shall be installed as established by the adopting ordinance. **Prior to Occupancy**

Sec. 5601.1.3 Fireworks

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

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

Sec. 5608.2.3 Permit holder

The permit holder shall furnish a certificate of insurance in an amount not less than two-million U.S. dollars and the insurance certificate shall list the City of Boerne as additionally insured.

Sec. 5704.2.9.6.1 Locations where above-ground tanks are prohibited.

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which storage is prohibited **determined in advance by the fire code official.**

Sec. 5706.2.4.4 Locations where above-ground tanks are prohibited.

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which storage is prohibited **determined in advance by the fire code official.**

Sec. 5806.2 Limitations.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is **determined in advance by the fire code official.**

SEC. 6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2000 gallons **subject to approval by the fire code official.**

Appendix B Table B105.2 Required fire flow for buildings other than one- and two-family dwellings, group R-3 and R-4 buildings and townhouses

Minimum fire flow, **25% 50%** of the value in table B105.1 (2)

Appendix Sec. C103 Fire hydrant spacing

C103.4 CUL-DE-SACS. Any street ending in a cul-de-sac requires a hydrant at the street intersection closest to the cul-de-sac in addition to the existing fire hydrant requirements set forth in Table C102.1 and the Boerne UDC.

APPENDIX D FIRE APPARATUS ACCESS ROADS

D101.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code, **the Boerne Unified Development Code (UDC) and the Boerne Engineering Design Manual.**

Sec. 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 or concrete or other approved** driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34,050 kg).

APPENDIX Sec. D103.3 Turning Radius

The minimum turning radius shall be determined by the *fire code official*. **The Boerne Fire Department Standard is 50 feet outside turning radius and a 30 feet inside turning radius. Curb design shall comply with the requirements found in table 2-4 "Intersection Requirements" of the Boerne Engineering Design Manual. In addition, the following radius formula is used to determine curb radii requirements subject to approval by the fire code official.**

$R = 30 - (L_W - L_M)$ where R is radius in feet, L_W is lane width in feet and L_M is minimum allowable width defined as 12 feet.

TABLE 103.4 Requirements for Dead-End Apparatus Access Roads

Length (feet)	Width (feet)	Turnarounds Required
0 – 150	20 26	None Required
151- 500	20 26	In Accordance with Figure D103.1
501 – 750 600	26	In Accordance with Figure D103.1
Over 750 600		Special approval required

Sec. D103.5 Fire Apparatus Access Road Gates.

Gates securing the fire apparatus access roads **shall operate automatically** and shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). ~~Where a fire apparatus access road consists of a divided roadway, the gate width shall not be less than 12 feet (3658 mm).~~—

9. Plans for gate construction must be approved by the *fire code official* prior to the construction and installation of the gate. A gate construction permit is required prior to the construction of any gate that crosses a fire apparatus access road.

10. All gates constructed across fire apparatus access roads must be motorized and equipped with a siren activated system (SOS), a Knox Key Switch, and a manual means of operation.

Sec. D103.6.1 Roads ~~20 to 26~~ feet in width. Fire lane signs **and curb markings** as specified in section D103.6 **and 503.3** shall be posted on both sides of fire apparatus access roads that **are ~~20 to 26~~** feet wide.

Sec. D103.6.2 Roads more than 26 feet in width.

Fire lane signs **and curb markings** as specified in section **D103.6 and 503.3** shall be posted on one side of fire apparatus access roads more than 26 feet wide and less than ~~32~~ 34 feet wide. **No signs or markings are required for fire apparatus access roads 34 feet wide or greater unless required by the *fire code official*.**

APPENDIX

Sec. D104.2 Buildings Exceeding 62,000 Square Feet In Area

~~D104.2 EXCEPTION. Projects having a gross building area of up to 124,000 square feet (11 520 M²) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.~~

Sec. D105.3 Proximity to building

One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to **one two** entire sides of the building. The sides of the building on which the aerial apparatus access road is positioned shall be *approved by the fire code official*.

Sec. D105.5 Grade

Aerial fire apparatus access roads shall not exceed 6% in grade in the immediate vicinity of the building or portion thereof.

Sec. D105.6 Slope

Aerial fire apparatus access roads shall not exceed 6% in slope in the immediate vicinity of the building or portion thereof.

PASSED and APPROVED on first reading this 26th day of July, 2022.

Passed and approved and ADOPTED on the second reading this ____ day of August, 2022.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney