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2 **ORDINANCE NO. 2011-05**
3 **AMENDMENT TO CHAPTER 34, "FIRE PREVENTION AND PROTECTION"**
4 **UPDATE AND AMENDMENTS TO FIRE AND LIFE SAFETY CODES**

5 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK BY REVISING
6 CHAPTER 34 "FIRE PREVENTION AND PROTECTION," ARTICLE III. "STANDARDS,"
7 DIVISION 2. "CODES", BY ADOPTING UPDATED VERSIONS OF THE
8 INTERNATIONAL FIRE CODE AND LIFE SAFETY CODE; ENUMERATING CITY
9 AMENDMENTS TO SUCH CODES; DELETING REGULATIONS FOR WOODEN,
10 STRAW AND THATCH ROOFS AS SUCH REGULATIONS ARE INCLUDED IN
11 CHAPTER 18 OF THE CODE AND RENUMBERING SECTIONS AS NECESSARY. THIS
12 ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00
13 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;
14 REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
15 CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

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17 **WHEREAS**, the City Council of the City of Seabrook is continually reviewing the
18 provisions of the Code of Ordinances relating to the elimination of hazards, nuisances and other
19 circumstances which negatively impact the health, safety and well-being of residents, citizens
20 and inhabitants; and

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22 **WHEREAS**, the City Council finds that it is of paramount interest to protect public
23 health, safety, property, and the general welfare of the public by updating its fire codes, as
24 referenced hereafter; and

25
26 **WHEREAS**, regulations and prohibitions concerning wooden, straw and thatch roofs
27 have been moved from Chapter 34, "Fire Prevention and Protection" to Chapter 18, "Buildings
28 and Building Regulations, now, therefore

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30 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK,**
31 **STATE OF TEXAS:**

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33 **SECTION 1. AMENDMENT TO THE CODE.**

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35 The Code of the City of Seabrook, Chapter 34, "Fire Prevention and Protection", Article
36 III. "Standards", Division 2. "Codes" is hereby amended as follows:

37
38 **DIVISION 2. CODES**

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40 **Sec. 34-116. Fire code adopted.**

41 The International Fire Code, 2003 **2009** edition, as published by the International Code
42 Council, is adopted as the fire code of the city. A copy of the fire code adopted in this section
43 shall be retained on file in the office of the building official, with the enumerated exceptions
44 and/or deletions in this chapter.

45 (Code 1976, § 5.5-5; Code 1996, § 34-116)

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Sec. 34-117. Same--Amendments.

The fire code adopted by reference in Section 34-116 shall be amended as follows:

(1) Section 101.1 Insert: City of Seabrook.

(2) Section 109.3 Insert: To be determined by Municipal Court.

(3) Section 111.4 Insert: To be determined by Municipal Court.

(4) Section 903.2.8 is amended by deleting Section 903.2.8 which reads:

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

and

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

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

(5) Appendices, Adopt: B, C, D, E, F, and G.

Sec. 34-117. 118 Life safety code adopted.

There is adopted by the city, the Life Safety Code, NFPA 101, as published by the National Fire Protection Association, being particularly the 2003 ~~2009~~ edition of the Life Safety Code. One copy of such code is filed in the office of the building official. Such code is adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the corporate limits.

(Code 1976, § 5.5-5; Code 1996, § 34-117)

Sec. 34-118. 119 Maintenance of fire hazard conditions.

(a) Any owner or occupant of a building or other structure or premises who shall keep or maintain such building, structure or premises when, for want of repair or by reason of age or dilapidated condition or for any cause, it is especially liable to fire and which is so situated as to endanger buildings or property of others or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein shall be punished by a fine as prescribed in subsection (c) of this section.

(b) Any owner or occupant of any building or other structure or premises who shall keep or maintain the building, structure or premises with an improper arrangement of a stove, range, furnace or other heating appliance of any kind whatever, including chimneys, flues and pipes with which such may be connected, so as to be dangerous in the matter of fire, or health or safety of persons or property of others; who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, flammable materials, refuse or with any other condition which shall be dangerous in character to the persons health or property of others; or any owner of a building, structure or premises which shall be dangerous in the matter of promoting augmenting or causing fires or which shall create conditions dangerous to firefighters or occupants of such building, structure or premises other than

94 the maintenance thereof shall be punished by a fine as prescribed in subsection (c) of this
95 section.

- 96 (c) No prosecution shall be brought under this section until an order shall be given and the
97 party notified shall fail or refuse to comply with the order. Every day's maintenance of
98 any of the conditions prohibited in this section shall be a distinct and separate offense. All
99 misdemeanors shall be prosecuted and all fines and forfeitures shall be recovered and
100 enforced, in the same manner as provided by law for the enforcement of fines, forfeitures,
101 penalties and punishments for offenses generally against the city, as provided in section
102 1-15.

103 (Code 1976, §§ 5.5-70--5.5-73; Code 1996, § 34-118)

104 **State law references:** Municipal authority concerning substandard building, V.T.C.A., Local
105 Government Code § 214.001; additional authority to secure substandard building, V.T.C.A.,
106 Local Government Code §§ 214.0011, 214.0015; authority of municipality to establish criteria
107 designating and institute punitive measures against buildings that are fire hazards, V.T.C.A.,
108 Local Government Code § 342.012.

109
110 **Sec. 34-119. ~~Wooden, straw and thatch roofs.~~**

111 ~~(a) Wooden roof coverings, including but not limited to wooden shingles and wooden shakes,~~
112 ~~and roof coverings of thatch and straw are prohibited and shall not be installed or used.~~

113 ~~(b) Any roof prohibited by subsection (a) of this section but in use on the effective date of the~~
114 ~~ordinance from which this section derives, may continue to be used. Any roof of materials~~
115 ~~prohibited in subsection (a) of this section that is in existence on the effective date of the~~
116 ~~ordinance from which this section derives may be repaired or altered with such materials;~~
117 ~~provided, such alteration or repair does not exceed 25 percent of the roof area. Alteration or~~
118 ~~repair of more than 25 percent of the roof area shall require replacement of the entire roof with~~
119 ~~acceptable materials.~~

120 (~~Code 1976, §§ 5.5-74, 5.5-75; Code 1996, § 34-119~~)

121 ~~**State law references:** Authority of municipality to establish criteria designating and institute~~
122 ~~punitive measures against building materials that are fire hazards, V.T.C.A., Local Government~~
123 ~~Code § 342.012.~~

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125 Secs. 34-120--34-145. Reserved.

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128 **SECTION 2. PENALTY CLAUSE; INCLUSION INTO THE CODE.**

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130 This Ordinance is hereby incorporated into and made a part of the Seabrook City Code.
131 Any person who shall violate any provision of this Ordinance shall be deemed guilty of a
132 misdemeanor and, upon conviction, shall be fined in an amount not more than Two Thousand
133 Dollars (\$2,000.00) per offense. Each day of violation shall constitute a separate offense.

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135 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

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137 All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent
138 of such inconsistency or conflict, hereby repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any 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 Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE BY PUBLICATION

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 22nd day of March, 2011.

PASSED AND APPROVED on second and final reading this 5th day of April, 2011.

By: Gary T. Renola
Gary T. Renola, Mayor

ATTEST:

By: Michele L. Glaser
Michele L. Glaser, TRMC
City Secretary

Approved as to form:

By: Steven L. Weathered
Steven L. Weathered
City Attorney

