

ARTICLE 5.03 FIRE CODE

Sec. 5.03.001 Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Fire Code, 2009 edition, published by the International Code Council, is hereby adopted as the fire code of the city for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city, and providing for the issuance of permits for hazardous uses and operations, and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2009 edition, published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this article. (2003 Code, sec. 3.602(a))

Sec. 5.03.002 Amendments

The International Fire Code is amended as follows:

- (1) Each reference to “jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.
- (2) **Section 102.7**, Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 47 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.
- (3) **Section 103.1**, General. The Leander fire department under the direction of the fire chief shall implement, administer and enforce the provisions of this code.
- (4) **Section 103.2**, Appointment. The fire chief shall be appointed by the city manager in accordance with the policies and procedures of the city and in compliance with state law. The fire chief shall serve as, and will be hereinafter referred to as, the “fire code official.” The fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.
- (5) **Section 103.3**, Deputies. In accordance with the prescribed policies and procedures of the city, and with the concurrence of the appointed authority, the fire chief shall have the authority to appoint a fire marshal, other related technical officers, inspectors and other employees, and to delegate duties.
- (6) **Section 104.1.1**, Fire prevention personnel. The fire chief and members of the fire department assigned to enforce this code are authorized to issue citations for violations of this code.

(7) **Section 104.12**, Authority of the chief. The chief, or their designee, may order the evacuation of or cessation of its use or operation of any area, premises, building, building under construction, or vehicle which is or is in imminent danger of becoming a fire hazard, a chemical exposure hazard, or a life or health hazard as a result of flooding or other dangerous condition.

(8) **Section 104.7.3**, Third-party plans review. The fire code official may require any plans submitted to be reviewed by an outside professional engineer or appropriate specialist when, in the opinion of the code authority, there exists special technical knowledge to conduct a satisfactory review of the plans and such special knowledge is not available among the fire department staff. Fees associated with outside plan reviews are the sole responsibility of the submitting party. The person or firm conducting the plan review must be an unbiased third party who meets the approval of the submitting party and the city.

(9) **Section 105.4.4**, Approved documents. Construction documents approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. The issuance or granting approval of plans and specifications or other construction documents is not an approval of any violation of this code or of any other ordinance of the jurisdiction. An approval presuming to give authority to violate or cancel the provisions of this code is not valid. Review and approval by the fire department shall not relieve the applicant of the responsibility of compliance with this code. The issuance of an approval based on plans, specifications and other data shall not prevent the fire code official from requiring the correction of errors in the plans, specifications or other data, or from preventing processes, building operations or uses being carried on when in violation of this code or any other code of this jurisdiction.

(10) **Section 105.6.30**, Trench burns. An operational permit is required for the kindling or maintaining of trench burn operations. Instructions and stipulations of the permit shall be adhered to. An exception from this requirement is recognized for recreational fires.

(11) **Section 108.1**, Board of adjustments. The board of adjustment/appeal shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.

(12) **Section 109.3**. Violations of this code shall constitute a misdemeanor offense in accordance with [section 1.01.009](#) of the city Code of Ordinances and shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00).

(13) **Section 111.4**. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code. Violations of this code shall constitute a misdemeanor offense in accordance with [section 1.01.009](#) of the city Code of Ordinances and shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00).

(14) **Section 307.1.1**, Prohibited open burning. It shall be unlawful for any person within the city limits, in any way, to intentionally, knowingly or carelessly burn or cause to be burned any

combustibles, including but not limited to grass, weeds, timber, rubbish, leaves, or other natural or synthetic materials, garbage, trash, rubbish, litter, solid waste, hazardous waste or any such like substances, on any street, alley, lot or premises. Such prohibited fires shall include bonfires and fires used for ceremonial purposes not in compliance herewith. (See city Code of Ordinances, [article 5.05.](#))

(A) Exceptions:

(i) Burning conducted for the purposes of outdoor cooking and warming in a device approved for such purpose and in compliance with this code. No burning of waste or garbage shall be permitted in such devices.

(ii) Firefighter training conducted under the supervision of the fire code official, or designee.

(iii) On-site land clearing on lots of greater than two acres upon which the owner intends to clear the lot itself of selected trees, brush and other natural plant growth and when approved by the fire code official, or designee, burning within an approved trench burner and the on-site land clearing is conducted in compliance with state, federal and local laws and regulations. A permit shall be required and approved safety measures shall be employed in accordance with section 105.6.

(15) **Section 307.2**, Permit required. A permit shall be obtained from the fire code official, or designee, 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 trench burning operations. 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.

(16) **Section 307.4**, Location. When authorized by permits in accordance with sections 105.6 and 307.2, unless otherwise approved by the fire code official, the location for burning shall not be less than 100 feet from any structure and provisions shall be made to prevent the fire from spreading to within 100 feet (15,240 mm) of any structure. Such fires shall be constantly attended by a competent person with an approved means to extinguish the fire and reliable communication capabilities.

(A) Exceptions:

(i) Fires in approved containers that are not less than 8 feet (4,572 mm) from a structure.

(ii) Operation of a trench burner shall be in accordance with section 308.5.

(17) **Section 308.5**, Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with this section.

(18) **Section 308.5.1**, Construction. The trench burner shall be located at the center of a circle three hundred feet in diameter, in which no combustible matter will be located or stored except

for the pile of combustible debris which has been readied for loading into the trench burner pit, except as otherwise provided by law.

(A) Pertaining to trees, landscaping, erosion, drainage, or runoff control the surface of the land within the circle shall be cleared of any high grasses, and any trees, brush, and weeds.

(B) The pit must be built in the ground and not above grade.

(C) The dimensions of the pit shall be 14 feet wide, 40 feet long, and at least 10 feet deep, except in cases where a permit issued to the applicant by the state commission on environmental quality (TCEQ) prescribes different dimensions. The ash generated by the operation of the trench burner shall be removed from the trench as necessary to maintain a minimum trench depth of 10 feet.

(D) The pit, air blower or fan, and other operating equipment shall be securely enclosed by a locked gate and security fence of a minimum height of 8 feet which completely surrounds the pit and equipment at all times when the trench burner is unattended. The fencing shall not be removed until the pit is closed and filled. An approved fire department key lock shall be required to secure the gate.

(19) **Section 308.5.2, Location.** A trench burner must not be located within 500 feet from any recreational area, building or structure not occupied or used solely by the owner, and 300 feet from any property line on which the trench burner is constructed.

(20) **Section 308.5.3, Hours of operation.** The hours of continuous loading operation shall be between 8:00 a.m. and 4:00 p.m. Trench burners may not be operated on legal holidays and in accordance with the state requirements for trench burns, regulation I, subchapter B, 111, of the state commission on environmental quality, and City Ordinance #12274 (Air Quality).

(A) The blower or fan will be allowed to operate an additional two hours from 4:00 p.m. to 6:00 p.m. to ensure cool-down after its period of continuous loading operations.

(B) No combustible material may be added to the fire between 4:00 p.m. of one day and 8:00 a.m. of the following day.

(C) The hours of operation may be changed by the fire code official when unusual atmospheric conditions exist.

(D) No burning is permitted when air stagnation advisories are in effect for the area in which the mobile incinerator is located.

(E) No burning is permitted during periods of high fire hazard weather conditions.

(21) **Section 308.5.4, Method of operation.** Material to be burned is limited to trees, brush, untreated waste lumber, shrubs, roots, bushes, and all untreated wood waste cleared from the site

described in the permit application. Combustible debris cleared from other sites may not be burned in the trench burner.

(A) All other materials, including but not limited to paper, roofing, shingles, insulation, wiring, treated wood products, metal products, chemicals, plastics, tires and other real or synthetic rubber materials, may not be burned in the pit. Flammable or combustible liquids may not be burned except for ignition purposes.

(B) Suitable fire protection shall be present on the site where the trench burner is located during operation. Suitable fire protection shall consist a minimum of one portable fire extinguisher having a minimum 4-A rating, and other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, or water truck and shall be available for immediate utilization at all times burning is conducted.

(C) Combustible material may not be placed in the trench any higher than three feet below the surface level.

(D) Every trench burner must be attended when in operation by a competent person with reliable means of communication.

(E) The trench burner shall be completely extinguished before nightfall or being left unattended.

(F) The pit must be closed and filled with dirt within 48 hours after the trench burner operations are discontinued.

(G) The person responsible for burning under this authorization shall notify the city fire department each day before burning is started. If the department refuses permission, no burning shall be allowed that day.

(H) A site inspection shall be requested once the site is prepared. The city fire department will provide written authorization to begin the event following inspection of the site and equipment.

(22) **Section 308.5.5**, Permit application. The permit application must contain the following:

(A) The name, address, and phone number of the individual or entity that owns the trench burner unit.

(B) The name, address, and phone number of the individual or entity responsible for the operation of the trench burner unit.

(C) A description of the site to be cleared, and the name, address and telephone number of the owner of the property.

(D) An operating schedule including initial date of operation and expected number of weeks of operation.

- (E) A copy of the state commission on environmental quality permit issued for the construction of the unit, if a permit is required.
- (F) A description of the type and quantity of petroleum product utilized to ignite the trench burner. If this is to be stored at the site, then the manner of storage and quantity to be stored must be described. The method of igniting the trench burner must be described.
- (G) Proof that the applicant has current liability insurance in the amount of \$1,000,000.00 for personal injuries, and \$500,000.00 for property damage, any time the trench burner is in use.
- (H) A construction permit from the state commission on environmental quality must be obtained if required by commission rule. If the trench burner is exempt from the commission permit requirements all conditions of the exemption must be complied with.
- (23) Automatic external defibrillator. Automatic external defibrillator (AED) is a device that meets or exceeds the requirements of the Texas Health and Safety Code and applicable federal law, as amended, used to automatically analyze the heart rhythm and, if it detects a problem that may respond to an electrical shock, permits a shock to be delivered to restore a normal heart rhythm.
- (24) **Section 408.12**, Automatic external defibrillator. All buildings that have occupied floors located greater than 75' (22,860 mm) above the lowest level of fire department access or have an aggregate area greater than 15,000 ft² (1,394 m²) or occupancy load over 300 shall have at least 1 automated external defibrillator (AED) readily accessible installed in an approved location.
- (A) Exceptions: The provisions of this section shall not apply to the following buildings and structures:
- (i) Airport traffic control towers in accordance with section 412 of the 2009 International Building Code.
 - (ii) Open parking garages in accordance with section 406.3 of the 2009 International Building Code.
 - (iii) Buildings with an occupancy classified as Group A-5 in accordance with section 303.1 of the 2009 International Building Code.
 - (iv) Low-hazard special industrial occupancies in accordance with section 503.1.2 of the 2009 International Building Code.
 - (v) Buildings with an occupancy classified as Group H-1, H-2 or H-3 in accordance with section 415 of the 2009 International Building Code.
- (25) **Section 408.12.1**, Type. All AEDs used must be of the type approved by the United States Food and Drug Administration (FDA).

(26) **Section 408.12.2**, Accessibility. All AEDs must be available for public use.

(A) All AEDs installed in a multiple-story building shall be located in the elevator lobby unless otherwise approved by the fire code official.

(B) All AEDs located in a building without an elevator lobby should be installed in a visible and accessible location approved by the fire code official or designee.

(C) Standard industry-accepted signs shall mark the location of each AED.

(27) **Section 408.12.2.1**, Notifying emergency medical services providers. Upon acquisition of an AED, the person or entity shall notify the fire department in writing of the existence, location and type of AED.

(28) **Section 408.12.3**, Maintenance. All AEDs shall be maintained and tested according to manufacturer recommendations.

(A) Maintenance records shall be kept for a period of 1 year.

(B) Disposable supplies (defibrillation pads) shall be replaced upon their expiration date or following use.

(29) **Section 502.1**, Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein and are provided in addition to or as replacements for terms defined in section 202 of the 2009 International Fire Code as published.

(A) Access roadway. Any road(s) providing access around the perimeter of any building, to a building from a public street, or to a building or its fire department connection from a required fire hydrant.

(B) Fire apparatus access road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, fire zone, public street, private street, parking lot lane and access roadway.

(C) Fire lane and fire zone. A road, an off-street area, or other passageway developed to allow the passage of fire apparatus that is designated in accordance with this code that is to remain free and clear of parked or standing vehicles in order to provide access to buildings, processes, storage areas or fire appliances in case of fire or other emergency. A fire lane is not necessarily intended to be used by vehicular traffic other than fire apparatus.

(D) Key box and Knox box. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

(30) **Section 503.3, Marking.** Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads, fire lanes, and/or fire zone(s), to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(A) Striping. Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE" shall appear in four-inch (4") white letters, at 25-foot intervals or less, 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.

(B) Signs. Signs shall read "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE" 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 thirty-five feet (35') apart. Signs may be installed on permanent buildings or walls or as approved by the fire code official.

(31) **Section 506.1,** Where required. Where access to or within a structure or an area is restricted because of secured openings or due to physical barriers (such as gates, fences, bollards, and the like) and in all commercial, industrial, or institutional structures in which fire protection systems or elevators are installed, an approved key box shall provide a [be provided to the] fire department providing the proper keys to gain access to a structure, property, or elevator. The key box shall be visible from the access road fronting property, located within 10 feet from the primary fire department access into a building or project as approved by the fire department. It shall be installed at not less than 4 feet and no more than 6 feet above the finished grade.

(A) Exception: The provisions of this section shall not apply to the following buildings and structures:

(i) Building is less than 1,000 ft² (93 m²) and where immediate access is not necessary for life-saving or firefighting purposes.

(32) **Section 506.1.2,** Electronic gates. Emergency access of limited access gates at apartments and gated communities, or any other occupancy deemed as high risk by the fire code official, shall be equipped with a Knox key switch opening system. The key switch shall be located on a keypad pedestal or as approved by the fire code official.

(33) **Section 506.1.3,** Electrical disconnect/chain access. In the event of a power failure, the gate shall open by means of an electrical power disconnect switch in a weatherproof box. The gate shall be capable of being physically disconnected from the operator mechanism from either side of the gate. Slider gate chains shall be accessible to be cut and release the gate from the opener mechanism from either side. Swing gates shall have a pin in the swing arm mechanism secured by a Knox padlock. The padlock shall be accessible from either side of the gate. Gates that are not in proper operating condition shall be chained and locked in an open position.

(34) **Section 507.5.2**, Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. In accordance to NFPA 25 and 291, if the hydrant is found inoperable, it shall be bagged with a black weather-resistive cover that shall be marked with a stenciled warning: “HYDRANT OUT OF SERVICE” and the fire department shall be notified. Additions, repairs, alterations and servicing shall comply with approved standards. All installed hydrants, public and private, shall be silver in color unless otherwise approved by the fire code official.

(35) **Section 903.1.2**, Residential systems. Unless specifically allowed by this code or the International Building Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purposes of exceptions or reductions, commonly referred to as “trade-offs,” permitted by other requirements of this code. Residential sprinkler systems installed in accordance with NFPA 13R must include attic sprinkler protection to be recognized for the purposes of such “trade-offs” permitted by other requirements of this code.

(2003 Code, sec. 3.602(b))

Sec. 5.03.003 Limits for storage of flammable liquids and liquefied petroleum gas

The limits referred to in certain sections of the fire code are hereby established as follows:

(1) **Section 3204.3.1.1**. The limits referred to in section 3204.3.1.1 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is restricted are established as follows: No one shall store in stationary containers any flammable cryogenic fluids without a permit. Permits will be issued based upon need, quantity and hazards which storage presents to occupants and surrounding property.

(2) **Section 3404.2.9.5.1**. The limits referred to in section 3404.2.9.5.1 of the International Fire Code in which the storage of class I and II liquids in above-ground tanks outside of buildings is restricted are established as follows: No one may store more than sixty (60) gallons of class I or II liquids in outside above-ground tanks within the city without a permit. Permits will be issued based upon need, quantity and hazards which storage presents to occupants and surrounding property.

(3) **Section 3406.2.4.4**. The limits referred to in section 3406.2.4.4 of the International Fire Code in which the storage of class I and class II liquids in above-ground tanks is restricted are established as follows: No one may store class I and II liquids in above-ground tanks within the city without a permit. Permits will be issued based upon need, quantity and hazards which storage presents to occupants and surrounding property.

(4) **Section 3804.2**. The limits referred to in section 3804.2 of the International Fire Code in which storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are established as follows: No one shall store more than one hundred (100) pounds of liquefied petroleum gases within the city without a permit. Permits will be issued

based upon need, quantity and hazards which storage presents to occupants and surrounding property.

(2003 Code, sec. 3.602(c))