

ORDINANCE NO. CO02.23.10.26.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CEDAR PARK CODE OF ORDINANCES CHAPTER 5 FIRE AND EMERGENCY MANAGEMENT, ARTICLE 5.01 FIRE CODE FOR THE PURPOSE OF AMENDING ANNEX L TO SPECIFY THRESHOLDS FOR THE REQUIREMENT OF FIRE FIGHTER AIR REPLENISHMENT SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park desires to safeguard the health, safety and general welfare of the City and its citizens; and

WHEREAS, the City Council has determined that ensuring a reasonable minimum standard of built environment safety and functionality is one of the means of ensuring community health, safety, and general welfare; and

WHEREAS, the City Council, during an open public meeting during which the public was given opportunity to comment, did determine that the 2021 editions of the International Codes, with the addition of threshold requirements for fire fighter air replenishment systems promulgate the design and construction standards necessary to ensure that reasonable minimum built environment safety and functionality standards are established.

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

SECTION 1. Cedar Park Code of Ordinances Chapter 5 Fire and Emergency Management, Article 5.01 Fire Code are hereby amended as referenced in Exhibit A.

SECTION 2. That the effective date of this ordinance shall be October 26, 2023.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of October, 2023, at which a quorum was present

and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 26<sup>th</sup> day of October, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 26<sup>th</sup> day of October, 2023.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
James Penniman-Morin, Mayor

ATTEST:

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Jill Hoffman, Sr. Asst. City Attorney

ORDINANCE NO. CO02.23.10.26.E1

## **EXHIBIT A**

### **ARTICLE 5.01 FIRE CODE**

#### **Sec. 5.01.001 Adopted**

There is hereby adopted the 2021 edition of International Fire Code, published by the International Code Council, including appendices “B” through “I,” “L and N,” be and is hereby adopted as the Fire Code of the City and within 5,000 feet thereof 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 as herein provided; providing for the issuance of permits and collection of fees therefor and each and all regulations, provisions, penalties, conditions and terms of said Fire Code hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in [section 5.01.002](#) of this Article. One (1) copy of said Code is on file in the office of the Fire Marshal and the same is hereby adopted and incorporated as fully as if set out at length herein.

#### **Sec. 5.01.002 Amendments**

The 2021 International Fire Code shall be amended to read as follows:

- (1) Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Cedar Park, herein after referred to as “this Code.”
- (2) Section 101.2 Scope. The provisions of this Code shall supplement any and all laws relating to fire safety and shall apply to all persons without restriction, unless specifically exempted. This Code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:
- (3) Section 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 offense punishable by a fine of not more than \$2,000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (4) Section 113.4 Failure to comply. Any person who shall continue any work 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 liable to a fine of not less than \$200.00 or more than \$2,000.00.
- (5) Section 202, General Definitions, shall be amended by adding or amending definitions to read as follows:

Jurisdiction is the City of Cedar Park, Texas.

Fire prevention division. The division of the Cedar Park Fire Department that is designated as the entity responsible for reviewing, applying and enforcing this Code and investigating or causing to be investigated all fires within the jurisdiction of the City, and areas outside the City as delegated by special agreement.

Animal Housing or Care Facility. Facilities used for temporary or permanent housing of animals for the purpose of providing a service, participating in a sport, or for providing general board and care. Animal care or housing facilities do not include animal or pet care by pet owners caring for their own

animals at their owned or rented residential property, and these facilities do not include Group U agricultural uses for the care and feeding of the agricultural business owner's own livestock.

*Constant Supervision.* For Group B animal housing or care facilities, constant supervision means 24 hour on-site staff capable of responding to problems or emergencies that could impact the safety or lives of the animals being housed or cared for.

*Group B, Business.* Group B, Business is hereby amended to add the following: Animal housing or care facilities including hospitals, kennels and pounds.

(6) Section 503 Fire Apparatus Access Roads, shall be amended to read as follows:

Section 503.1, "Where required," shall be amended by adding a new subsection 503.1.4, so that such subsection shall read as follows:

503.1.4. Maintenance generally.

(a) The Fire Code Official shall report any negligent surface conditions, markings, or signs to the owner or person in control of property upon which a fire lane exists and shall issue instructions for repair.

(b) It shall be unlawful for the owner or person in control of property upon which a fire lane has been designated or exists to fail to maintain the surface of the fire lane in good condition, free of potholes and other nonapproved obstructions.

(c) It shall be unlawful for the owner or person in control of property on which a fire lane has been designated or exists to fail to maintain any marking of the fire lane as required by this Code in a condition which is not clearly legible.

Section 503.2.3 shall be amended by adding a new subsection 503.2.3.1, so that such subsection shall read as follows:

503.2.3.1 Fire apparatus access roads shall be constructed of asphalt or concrete designed to meet the criteria of 503.2.3 unless otherwise approved by the fire code official.

Section 503.3 Marking. Where required by the Fire Code Official, approved striping or, when allowed by the Fire Chief, signs, or both, or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs, notices 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.

Subsection 503.3.1 Striping shall be added to read as follows: Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches in width to show the boundaries of the lane. The words "FIRE LANE TOW-AWAY ZONE" shall appear in four inch white letters at thirty-five (35) feet intervals on the red border markings along both sides of the fire lanes. Curb facing shall be used when available; fire lane striping shall be continuous throughout the designated fire lane and shall lay down along backside of head in parking spaces.

Subsection 503.3.2 Signs shall be added to read as follows: Signs shall read "FIRE LANE TOW-AWAY ZONE" and shall be twelve (12) inches wide and eighteen (18) inches high. Signs shall be painted on a white background with letters and borders in red, using not less than two (2) inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches above finished grade. Signs shall be spaced not more than fifty (50) feet apart. Signs may be installed on permanent buildings or walls if approved by the Fire Code Official.

Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking, stopping or standing of any nonemergency vehicle, whether attended or unattended, in a fire lane. 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. The operator of a premises shall maintain, free of obstruction, all fire lanes on the premises. No person may mark, post or otherwise identify a nonfire lane private vehicular passageway as a fire lane or in such a manner as tends to create confusion as to whether the passageway is a fire lane. Any unauthorized vehicle on a fire lane is:

- (1) Subject to removal by the operator of the premises, with the expense of removal and storage to be borne by the registered owner of the vehicle;
  - (2) Subject to citation, as well as removal, by the Fire Code Official or a police officer; and
  - (3) Prima facie evidence that the person in whose name the vehicle is registered is guilty of a violation of the parking provisions of this section.
- (7) Section 505.1.1 Shall be added to read as follows:

In buildings containing more than one occupancy, suite numbers identifying each occupant shall be placed on each exterior door (minimum 3 inch numbers). Each number shall have a minimum stroke width of 1/4". Numbers shall contrast with the background and be of a material as approved by the Fire Code Official.

(8) Section 507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 100 feet (30.480 mm) of the fire department connections. This hydrant shall not substitute for the hydrant(s) required by section 507.5.1.

(9) Section 507.5.1.2 Hydrant for fire department connections for automatic fire extinguishing systems shall be added to read as follows:

A fire hydrant shall be located no further than one hundred (100) feet from the Fire Department Connection and shall be located on the same side of the fire apparatus access road as the Fire Department Connection. This hydrant shall not substitute for the hydrant(s) required by section 507.5.1.

(10) Section 507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants or those hydrants supplied through or by a fire pump shall be painted red. (Or equal).
2. All private fire hydrant locations shall be identified by the installation of a blue reflective marker, according to City specifications.

(11) Section 509.2.1 Sprinkler riser rooms, shall be added to read as follows:

Sprinkler risers shall be contained in rooms with a minimum fire resistive rating of 1-hour and shall have access from the exterior of the building being served. Riser room shall be large enough to accommodate a 36 inch clear space on at least two sides of the sprinkler riser. Rooms not dedicated solely as sprinkler riser rooms shall be sized according to the determination of the Fire Code Official. (Sprinkler riser rooms shall be allowed to accommodate fire alarm control panels without necessitating an increase in the size of the room, provided that the FACP remains completely accessible). An additional, approved key box may be required to provide access to the sprinkler riser room where required by the Fire Code Official.

(12) Section 603.2 Abatement of electrical hazards, shall be amended by adding a new subsection 605.1.1, so that such subsection shall read as follows:

603.2.3 Main electrical shut off. A single means of electrical disconnect shall be provided on the

exterior of the building. Shut off shall be located in an accessible area and properly labeled.

Exceptions:

1. Two means of electrical disconnect may be allowed by the Fire Code Official when the disconnects are located within 3 feet of each other with no other features installed between them and they are clearly marked to indicate that both disconnects must be utilized to terminate power to the building.
2. Where an enclosed room with an exterior door is provided, an additional, approved key box may be required to provide access to the electric room where required by the Fire Code Official.

(13) Section 606 Commercial Kitchen Hoods shall be amended to read as follows:

606.2 Where required. A type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.

Exceptions: A type I hood is not required for a commercial cooking appliance if:

- a. the commercial cooking appliance complies with sections 4.1.1.1 and 4.1.1.2 of NFPA 96;
- b. the building containing the commercial cooking appliance is fully sprinklered as required by NFPA 13;
- c. the average daily use of the commercial cooking appliance is less than five (5) hours; and
- d. certified fire suppression staff is on site at all times during operation of the commercial cooking appliance.

(14) Section 703.1 Maintenance shall be amended by adding new section 703.1.4 Tenant Separations to read as follows:

Walls separating two or more tenants in a multi-tenant building shall be constructed as a continuous membrane that extends from the top of the foundation to the underside of the floor or roof sheathing that is designed and constructed to restrict the movement of smoke. Walls shall be continuous and shall be sealed in accordance with the 2021 International Building Code, sections 714 and 715.

(15) Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided when the sum square footage of the building or structure, or the sum of all fire areas within the building or structure, reaches or exceeds 12,000 square feet. Where specific occupancy thresholds require automatic fire sprinklers at lower square footages as described in sections 903.2.1 through 903.2.12, those requirements will prevail. Fire walls shall be not used to expand the square footage of a building without providing an automatic fire sprinkler system when the specific thresholds described herein have been reached.

**Occupancy Evaluation**

F-2 (factory, low hazard, ceramics)	12,000
S-2 (storage, low hazard, food products)	12,000
B (business office)	12,000

(16) Section 907 Fire Alarm and Detection Systems shall be amended as follows:

A new subsection 907.1.4 Design standards shall be added to read as follows: All alarm systems, whether new or replacement, that serves twenty-five (25) or more alarm initiating devices shall be an intelligent addressable fire detection system.

A new subsection 907.2.2.2 Animal Housing or Care Facility shall be added to read as follows: Fire areas containing an animal housing or care facility shall be provided with an electronically supervised automatic smoke detection system when animals are restrained in kennels or crates, or by other equipment that would prevent the animals from escaping to an exterior area of safety. In unconditioned spaces, in lieu of smoke detection, the alarm system may be activated by quick response heat detectors with a response time index of less than 100 (E.G. RTI classification of Quick, Ultra Fast or V-Fast).

Exceptions:

- a) Smoke detectors and or quick response heat detectors are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with sections 903.3 and 903.4 and activation of the automatic sprinkler system activates notification appliances as required by section 907.2.2.2.1.
- b) Where animals are provided constant supervision.

A new subsection 907.2.2.2.1 Notification Appliances shall be added to read as follows: Notification appliances shall provide audible and visual alarm signals in office areas and other areas within the fire area where no animals are housed or cared for. Notification appliances within areas where animals are housed or cared for, shall provide only visual alarm signals.

(17) Section 915.1.1 Where Required shall be amended to read as follows: Carbon monoxide detection shall be provided in Group I-1, I-2, I-4, and R occupancies, in Group B fire areas containing an animal housing or care facility and in classrooms in Group E occupancies in the locations specified in Section 915.2 where any of the conditions in Section 915.1.2 through 915.1.6 exist.

Exceptions:

- a. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms where there are no communicating openings between the fuel-burning appliance or fuel burning fireplace and the dwelling unit, sleeping unit, room of animal housing or care facility where animals are housed or cared for, or classroom.
- b. Carbon monoxide detection shall not be required in dwelling units, sleeping units, animal housing or care facilities where animals are housed or cared for, and classrooms where carbon monoxide detection is provided in one of the following locations:
  - a. In an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit, animal housing or care facilities where animals are housed or cared for, or classroom.
  - b. On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.

(18) Section 915.3 Carbon Monoxide Detection shall be amended to read as follows: Carbon monoxide detection required by Sections 915.1 through 915.2.3 shall be provided by carbon monoxide alarms complying with Section 915.4 or carbon monoxide detection systems complying with Section 915.5. Electronically supervised carbon monoxide detection systems complying with Section 915.5, shall be provided in Group B fire areas containing an animal housing or care facility where animals are not provided with constant supervision.

(19) Section 1103 Fire Safety Requirements for Existing Buildings shall be amended as follows:

A new subsection 1103.1.2 Group B Animal Housing or Care Facilities shall be added to read as follows: Group B occupancies used for the purpose of animal housing or care facilities shall have interior wall and ceiling finishes that comply with table 803.3 in Chapter 8.

A new subsection 1103.7.7 Group B Animal Housing or Care Facilities shall be added to read as follows: An electronically supervised automatic smoke detection system complying with Section

907.2.2.2 shall be installed in all fire areas containing an existing Group B animal housing or care facility.

Subsection 1103.9 Carbon Monoxide Detection shall be amended to read as follows: Carbon Monoxide detection shall be installed in existing Group I-1, I-2, I-4 and R occupancies, in Group B fire areas containing animal housing or care facilities or in classrooms in Group E occupancies where those units include any of the conditions identified in Sections 915.1.2 through 915.1.6. The carbon monoxide alarms shall be installed in the locations specified in Section 915.2 and the installation shall be in accordance with Sections 915.3 and 915.4.

Exception:

A carbon monoxide detection system in accordance with Section 915.5 shall be an acceptable alternative to carbon monoxide alarms.

(20) Chapter 61 Liquefied petroleum gases. This section will be deleted in its entirety due to State regulations that disallow jurisdictions from adopting ordinances related to the LPG industry that are more stringent than State requirements. This industry is regulated by the Railroad Commission.

(21) Appendix D, section D103 Fire Apparatus Access Road Minimum Specifications shall be amended as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turn-around provisions in accordance with table D103.4 and the approval of the Fire Code Official.

(Ordinance CO20-18-03-22-E3 adopted 3/22/18)

(22) Annex L Section L101 shall be amended to specify the following building characteristics or special hazards that establish thresholds triggering the installation of Firefighter Air Replenishment Systems (FARS)

1. Any building with an occupied floor above 75ft from the lowest fire department vehicle access point.
2. Buildings with 2 or more stores below ground.
3. Buildings greater than 500,000sq ft.

**Sec. 5.01.003 Geographic limits**

The geographic limits referred to in certain sections of the 2021 edition of the International Fire Code are hereby established as follows:

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited shall be amended to read as follows:

The geographic limits for the storage of class I and class II liquids in above-ground tanks outside of buildings are hereby established and applicable to storage of 10,000 gallons or more. Storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Cedar Park, with the exception of those districts which are zoned for industrial use. Installation of above around tanks in industrial districts shall be permitted at the discretion of the Fire Marshal or the Fire Chief following his/her review of the proposed installation area. When used in conjunction with Chapter 22, above-ground storage tanks will be allowed at the discretion of the Fire Marshal or the Fire Chief Tanks shall not be located within 100' of the property line of any group E, I or R occupancies.

Section 5706.2.4.4 Locations where above-ground tanks are prohibited shall be amended to read as follows:



The geographic limits for the storage of class I and class II liquids in above-ground tanks are hereby established and applicable to storage of 10,000 gallons or more. Storage of class I and II liquids in above ground tanks is prohibited within the City of Cedar Park, with the exception of areas that are zoned for industrial use. Storage of class I and II liquids may be permitted at the discretion of the Fire Marshal or Fire Chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within 100' of the property line on any group E, I or R occupancies.

Section 5806.2 Limitations shall be amended to read as follows:

The geographic limits for the storage of flammable cryogenic fluids in stationary containers are hereby established and applicable to storage of 10,000 gallons or more. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the City of Cedar Park, with the exception of areas zoned for industrial use. Storage of flammable cryogenic fluids may be permitted at the discretion of the Fire Marshal or Fire Chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within 100' of the property line of any group E, I or R occupancies.

(Ordinance CO20-18-03-22-E3 adopted 3/22/18)