

ORDINANCE NO. 2024-00035

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO PERMIT AND SERVICE FEES; ADOPTION OF THE 2021 INTERNATIONAL FIRE CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; ADMITTANCE BEYOND APPROVED OCCUPANT LOAD OR CAPACITY; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the opinion of the City Council that the best interests of the citizens of the City of Lubbock would be served by adoption of the 2021 International Fire Code with certain amendments to meet local conditions and amending permit and service fees and provisions related to admittance beyond approved occupant load; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Section 10.01.003 of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

§ 10.01.003 **Permit and service fees.**

All fees for permits and other activities of the city fire department and fire marshal's office shall be set annually in the city's budget ordinance and periodically adjusted pursuant to section **1.03.004** of the City of Lubbock Code of Ordinances.

A schedule of such fees shall be filed with the city secretary, the fire marshal's office and published on the city's website.

SECTION 2. THAT Article 10.03 of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

Division 1
Generally

§ 10.03.001 **Adopted.**

The city hereby adopts the International Fire Code, herein known as the fire code, published by the International Code Council, 2021 edition, save and except such portions as are hereinafter amended. The same is hereby adopted and incorporated as fully as if set out in length herein, and from and after the passage of the ordinance adopting this section the provisions thereof shall be controlling within the limits of the city. The adoption of the International Fire Code extends to appendices, (excluding appendices A, J and L), and a copy of said code shall be maintained in the office of the fire marshal, all such copies to be open to public inspection during the business hours of the offices where they are maintained, along with amendments thereto provided by ordinance.

§ 10.03.002 **Amendments.**

The provisions of the International Fire Code, 2021 edition, are hereby specifically amended as follows:

- (1) Marking. Section 503.3 is hereby amended by the addition of subsections 503.3.1, 503.3.2, 503.3.3, and 503.3.4, to read as follows:

503.3.1. Maintenance. The owner or person in control of any building for which fire lanes have been designated shall mark and maintain said fire lanes by painting stripes on the surface of said roadways to designate the fire lane for fire apparatus in accordance with the specifications of section 503.3 and in such a manner so as to be visible to a reasonably observant person.

503.3.2. Specifications for marking. All required fire lanes shall be provided and maintained with fire lane striping which consists of a six (6) inch wide red background stripe with four (4) inch high white letters stating "FIRE LANE NO PARKING" or "NO PARKING FIRE LANE" to be painted upon the red stripe every forty (40) feet along the entire length of the fire lane, showing the exact boundary of the fire lane. The words "FIRE LANE NO PARKING" or "NO PARKING FIRE LANE" must be grouped together as a phrase. Separating the words "NO PARKING" and "FIRE LANE" spacing them forty (40) feet apart does not meet the intention of this section. Fire lane markings shall be upon the vertical surface of the curb unless otherwise approved by the chief.

503.3.3. Alternate markings. When, due to a building's particular use, the chief determines that fire lane markings are impractical, the words "LOADING ZONE/NO PARKING," painted black, may be substituted for the words "FIRE LANE/NO PARKING," and the six-inch (6") red stripe must be painted yellow, but all other provisions of chapter 5 shall apply.

503.3.4. Alternate signs allowed or required. If the chief or authorized representative determines that other means of notice are ineffective to designate a fire lane, signs may be required by written notice to the property owner. These signs shall be in accordance with the requirements of the Texas Manual of Uniform Traffic-Control Devices. When required, these signs shall be erected and maintained bearing a red legend stating "No Parking Fire Lane" with letters of at least two inches (2") in height on a white reflective background at least twelve inches (12") wide by eighteen inches (18") tall. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6' 6") above the finished grade. Signs shall be spaced not more than fifty feet (50') apart. Signs may be installed on permanent buildings or walls as approved by the chief or authorized representative. Additional signs may also be required by written notice from the chief.

- (2) Key boxes. Section 506 is hereby amended by the addition of subsection 506.1.1.1, to read as follows:

506.1.1.1 Approved. When required by the fire department, a KNOX lock box, KNOX padlock, and/or KNOX key switch must be installed on any structure or gate at a location approved by the fire department. The key box shall contain keys as required by the code authority or his designee.

- (3) Delete Appendices A, J, and L.
- (4) Section 105.6.25 is hereby amended by the addition of the paragraphs set forth below, to read as follows:

A construction permit is required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the electronic access control system.

Exception: Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

- (5) Definitions. The following definitions of Section 202 are hereby amended to read as follows:

ATRIUM. A vertical space that is enclosed at the top, connecting two or more stories in Group I-2 and I-3 occupancies or three or more stories in all other occupancies.

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.

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

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model,
- Installing a new fire alarm control unit in addition to or in place of an existing one • Conversion from a horn system to an emergency voice/alarm communication system, or
- Conversion from a conventional system to one that utilizes addressable or analog devices.

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

- (6) Definitions. The first paragraph of the following definition in Section 202 is amended to read as follows:

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks or 1.4G fireworks.

- (7) Definitions. A new definition in Section 202 is hereby added as follows:

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

- (8) Prohibited open burning. Section 307.1.1 is hereby amended to read as follows:

307.1.1 Prohibited open burning. Open burning shall be prohibited when:

1. atmospheric conditions or local circumstances make such fires hazardous;
2. the burning is offensive or objectionable because of smoke emissions.

- (9) Location open burning. 307.4, 307.4.1, and 307.4.4 are hereby amended to read as follows:

307.4 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. Delete
2. Delete

307.4.1 Bonfires. A bonfire shall not be conducted within 300 feet (91 440 mm), or greater distance as determined by the fire code official, of a structure or combustible material, unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within the required setback of a structure shall be eliminated prior to ignition.

307.4.4 Permanent Outdoor Firepit. Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Residential Code or International Building Code.

- (10) False and nuisance alarms. Section 401.5 is hereby amended to read as follows:

Section 401.5 False and nuisance alarms. False alarms and nuisance alarms shall not be given, signaled, transmitted, or caused or permitted to be given, signaled, or transmitted in any manner.

- (11) Dimensions. Section 503.2.1 is hereby amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

- (12) Key boxes. Section 506 is hereby amended by the addition of subsection 506.1.1.1, to read as follows:

506.1.1.1 Approved. When required by the fire department, a KNOX lock box, KNOX padlock, and/or KNOX key switch must be installed on any structure or gate at a location approved by the fire department. The key box shall contain keys as required by the code authority or his designee.

- (13) False Alarms and Nuisance Alarms. Section 901.6 is hereby amended by the addition of Subsections 901.6.4 to read as follows:

901.6.4 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

- (14) Group F-1 distilled spirits. Section 903.2.4.2 is hereby amended to read as follows:

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

- (15) Group S-1 distilled spirits or wine. Section 903.2.9.3 is hereby amended to read as follows:

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

- (16) NFPA 13R sprinkler systems. The first paragraph and exceptions thereto of Section 903.3.1.2 is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.

2. The floor level of the highest story is 35 feet (9144 10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (9144 10668 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane.

- (17) NFPA 13D Sprinkler Systems. Section 903.3.1.3 is hereby amended to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3; Group R-4, Condition 1; and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

- (18) Freeze protection. Section 903.3.1.4 is hereby amended by adding Subsections 903.3.1.4.1 and 903.3.1.4.2 to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

- (19) Sprinkler system supervision and alarms. Section 903.4 is hereby amended by adding a second paragraph after the exceptions to read as follows:

903.4 Sprinkler system supervision and alarms.

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 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. Buildings without a fire alarm system shall have their valves locked in their normal position.

- (20) Water supplies. 903.3.5 is hereby amended by adding a second paragraph to read as follows:

903.3.5 Water supplies.

Water supply as required for such systems shall be provided in accordance with the supply requirements of the respective standard; however, every water-based fire protection system shall be designed with a 10psi safety factor. Reference Section 507.4 for additional design requirements.

(21) Group E. Section 907.2.3 is hereby amended to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 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 50' 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.

Exceptions:

1. A manual fire alarm system shall not be required in Group E occupancies with an occupant load of 50 or less.
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 3.1. Interior corridors are protected by smoke detectors.
 - 3.2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 3.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 3.4. Manual activation is provided from a normally occupied location.
4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 4.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
 - 4.2. The emergency voice/alarm communication system will activate on sprinkler water flow.
 - 4.3. Manual activation is provided from a normally

occupied location.

(22) Construction. Section 1020.2 shall be hereby amended to read as follows:

1020.2 Construction. Corridors shall be fire-resistance rated in accordance with Table 1020.2. The corridor walls required to be fire-resistance rated shall comply with Section 708 of the International Building Code for fire partitions.

Exceptions:

1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has not less than one door opening directly to the exterior and rooms for assembly purposes have not less than one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
2. A fire-resistance rating is not required for corridors contained within a dwelling unit or sleeping unit in an occupancy in Groups I-1 and R.
3. A fire-resistance rating is not required for corridors in open parking garages.
4. A fire-resistance rating is not required for corridors in an occupancy in Group B that is a space requiring only a single means of egress complying with Section 1006.2.
5. Corridors adjacent to the exterior walls of buildings shall be permitted to have unprotected openings on unrated exterior walls where unrated walls are permitted by Table 705.5 of the International Building Code and unprotected openings are permitted by Table 705.8 of the International Building Code.
6. In unsprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke- detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

§ 10.03.003 Authority of fire marshal.

The fire marshal is hereby authorized to enforce the provisions of the fire code and city ordinance and shall have the authority to render interpretations of the fire code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in the code.

§ 10.03.004 Board of appeals–Appointment.

The city building board of appeals, established under section **2.03.491** of this Code of Ordinances, shall serve as the appellate body for purposes of issues arising under the fire code adopted by this article. For this purpose, the board shall proceed with business in the same manner as that prescribed for issues arising under the technical construction as outlined in article **2.03**, division **14** of this Code of Ordinances.

§ 10.03.005 Conflicts.

Conflicts between any provisions of this article, the fire code or building code shall be governed by the administration chapters of the adopted codes.

§ 10.03.006 Approval of plans.

The fire marshal may examine plans for evidence of compliance with this code. The officially approved plans bearing the fire marshal's review comments shall be kept on site and accessible at all times to facilitate proper inspection. The fire marshal may require tests or other investigations to be conducted by an agency satisfactory to the jurisdiction when an appliance, device, equipment or system intended for installation does not specifically meet the requirement of this code, but meets the intent of this code. Such tests or investigations shall be based on proper test standards or principles.

§ 10.03.007 Inspection; certificate of occupancy.

The fire marshal or building official may require a building to be inspected for compliance with the fire code, as adopted by this article, prior to the issuance of a certificate of occupancy. When, in the opinion of the fire marshal or building official, a building must be so inspected by the fire marshal or his designated representative prior to issuance of an occupancy certificate, such building shall not be occupied prior to such final inspection as the fire marshal or building official may deem necessary.

§ 10.03.008 through § 10.03.040. (Reserved)

Division 2

Overcrowding or Admittance Beyond Approved Occupant Load or Capacity

§ 10.03.041 Scope.

Overcrowding or admittance of any person beyond the approved occupant load or capacity of a building or a portion thereof shall not be allowed. The owner, manager or occupant in charge of the premises shall be responsible for the accurate count of the number of people in the building, area or any portion thereof. Selling or distributing tickets, in any form or fashion, beyond the approved occupant load of an area where the event will be held, shall not be permitted.

§ 10.03.042 Overcrowding

Whenever a condition exists where either there are more people in a building, structure or portion thereof than have been authorized by the fire marshal or persons are sitting and/or standing in locations that may obstruct or impede the use of aisles, passages, corridors, stairways, exits or other components of the means of egress, and the fire marshal determines that a threat exists to the safety of the occupants thereby creating a violation of overcrowding, the occupant, owner or manager in charge of the occupancy shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding two thousand dollars (\$2,000.00).

§ 10.03.043 Admittance beyond approved occupant load or capacity.

Any occupant, owner or manager that has been found to allow admittance in any room, building or space beyond the approved occupant load or capacity as determined by the fire marshal and the fire code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding two thousand dollars (\$2,000.00). Each of the following will be considered to be separate violations of the fire code in addition to the violation of overcrowding:

- (1) Admittance beyond the approved occupant load by 1 - 20% of posted occupant load sign;
- (2) Admittance beyond the approved occupant load by 21% - 30% of posted occupant load sign;
- (3) Admittance beyond the approved occupant load by 31% - 40% of posted occupant load sign; or

- (4) Admittance beyond the approved occupant load by Greater than 41% of posted occupant load sign.

SECTION 4. THAT violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT pursuant to Section 214.218 of the Texas Local Government Code, this Ordinance shall not be implemented or enforced until after the 30th day after the date of final adoption.

SECTION 5. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on March 5, 2024.

Passed by the City Council on second reading on March 26, 2024.

/s/ Tray Payne
TRAY PAYNE, MAYOR

ATTEST:

/s/ Courtney Paz
Courtney Paz, City Secretary

APPROVED AS TO CONTENT:

/s/ Alan Martin
Alan Martin, Fire Marshal

APPROVED AS TO FORM:

/s/ Amy Sims
Amy Sims, Deputy City Attorney