

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Fire Department

AGENDA DATE: February 19, 2013 – Introduction
March 5, 2013 – Public Hearing

CONTACT PERSON NAME AND PHONE NUMBER: Carlos Carmona, Fire Chief 485-5600

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.14 to amend the Miscellaneous Combustible Material Operational Permit language in Section 105 of the International Fire Code; to amend Section 9.52.030.16 to require a Certificate of Occupancy for the issuance of an operational permit; to amend Section 9.52.050.5 to add criteria for miscellaneous combustible materials storage; the penalty as provided in Section 9.52.030.19 (Violation Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

Recommended ordinance modifications to Chapter 9.52 of the El Paso City Code are designed to help city enforcement officials address the storage issues, occupancy designation, and identified hazards in public buildings.

PRIOR COUNCIL ACTION:

Council directed the Downtown risk assessment and recommendations for legislative action as a result of the Hardin building fire.

AMOUNT AND SOURCE OF FUNDING:

No funding sought at this time.

Any staffing costs are expected to be offset by the administrative costs applied for inspections.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.030.14 TO AMEND THE MISCELLANEOUS COMBUSTIBLE MATERIAL OPERATIONAL PERMIT LANGUAGE IN SECTION 105 OF THE INTERNATIONAL FIRE CODE; TO AMEND SECTION 9.52.030.16 TO REQUIRE A CERTIFICATE OF OCCUPANCY FOR THE ISSUANCE OF AN OPERATIONAL PERMIT; TO AMEND SECTION 9.52.050.5 TO ADD CRITERIA FOR MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE; THE PENALTY AS PROVIDED IN SECTION 9.52.030.19 (VIOLATION PENALTIES) OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.14 (Chapter 1 – Scope and Administration, Amended), in International Fire Code Section 105.6.29 (Miscellaneous Combustible Storage) be amended as follows:

9.52.030.14 – International Fire Code Subsection 105.6.29 Miscellaneous Combustible Storage, amended. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

Section 2. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.16 (Chapter 1 – Scope and Administration, Amended), in International Fire Code Section 106.2 (Inspections) be amended to add Subsection 106.2.3 (Certificates of Occupancy) as follows, and all subsequent subsections starting with the current 9.52.030.16 Section 107.2.1.1 (Private fire hydrant test and inspection records, added) be renumbered sequentially in the El Paso City Code:

9.52.030.16 – International Fire Code Subsection 106.2.3: Certificates of Occupancy: Except as provided in Ordinance No. 1448, which prohibits a building erected or structurally altered after November 23, 1955, to be used, occupied or changed in use until a certificate of occupancy and compliance has been issued by the building official, the building owner or an occupant or other person having charge or control of a building, structure or premises or their duly authorized agent shall have a valid certificate of occupancy available for review, upon request by the fire code official conducting an official inspection of a building, structure or premises. Failure to provide a valid certificate of occupancy upon request to the fire code official shall result in the denial of the issuance of an operational permit by the fire code official.

9.52.030.16.1 Except as provided in Ordinance No. 1448 and other applicable law, it shall be a violation of this title if a building owner or an occupant or other person having charge or control of a building, structure or premises does not obtain a certificate of occupancy from the building official.

9.52.030.16.2 In accordance with applicable law, the fire code official shall be authorized to take immediate action when life safety issues require such action.

Section 3. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.050.5 (Chapter 3 – General Requirements, Amended), in International Fire Code Section 315.2 (Storage in Buildings) be amended to add Subsection 315.2.5 (Storage Configuration) as follows, and all subsequent subsections be renumbered sequentially in the El Paso City Code:

315.2.5: Aisles. In areas where miscellaneous combustible materials are stored, an aisle of at least 30 inches width shall be provided for every 50 linear feet of piled, palletized, racked, or bin storage.

Section 4. This amendment shall become effective upon approval with the following exception:

A. Section 2 of this amendment shall take effect 180 days after the passage of this ordinance.

Section 5. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Carlos Carmona, Interim Fire Chief
El Paso Fire Department