

**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: 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, unless the building existed prior to November 23, 1955 and has not been structurally altered or experienced a change in use since November 23, 1955.

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.

9.52.030.16.3 The provisions of this Subsection 9.52.030.16, including a determination that a certificate of occupancy is not required because the building existed prior to November 23, 1955 and has not been structurally altered or experienced a change in use since November 23, 1955, shall be subject to the appeal process referenced in local amendment 108.1 of Subsection 9.52.030.16 of

the City Code.

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:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Carlos Carmona, Interim Fire Chief
El Paso Fire Department

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, t~~ 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, unless the building existed prior to November 23, 1955 and has not been structurally altered or experienced a change in use since November 23, 1955.

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.

9.52.030.16.3 The provisions of this Subsection 9.52.030.16, including a determination that a certificate of occupancy is not required because the building existed prior to November 23, 1955 and has not been structurally altered or experienced a change in use since November 23, 1955, shall be subject to the appeal process referenced in local amendment 108.1 of Subsection 9.52.030.16 of the City Code.

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:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Carlos Carmona, Interim Fire Chief
El Paso Fire Department



Proposed Revision of El Paso City Code: Fire Prevention Code, 9.52 and Vacant Buildings, 18.40

Carlos Carmona,

Interim Fire Chief, Fire Department

Kurt Fenstermacher,

Interim Director, Environmental Services



Overview: Proposed Revisions

- Background
- Fire Prevention Code (9.52) Revision
 - Enforcement Issues
 - Recommendations
- Vacant Building Ordinance (18.40) Revision
 - Recommendations
- Questions and Comments



Fire Prevention Code, 9.52

Carlos Carmona,
Interim Fire Chief, Fire Department



History

Hardin Building Structure Fire April 19, 2012





Results

- Downtown Risk Assessment
 - Discovered issues with storage, building systems, and inspection problems
- 726 Buildings Assessed
 - 77 structures referred to Environmental Code Compliance and Health Department for further review
- 112 Buildings Assessed as Vacant
 - Need further follow-up based on proposed changes to Vacant Building Ordinance



Results

- Minor code violations corrected through current code enforcement efforts
- Large amounts of combustible storage remains in buildings not designed for such fire loads.
- Analyzed potential legislative needs to address the enforcement authority shortfalls

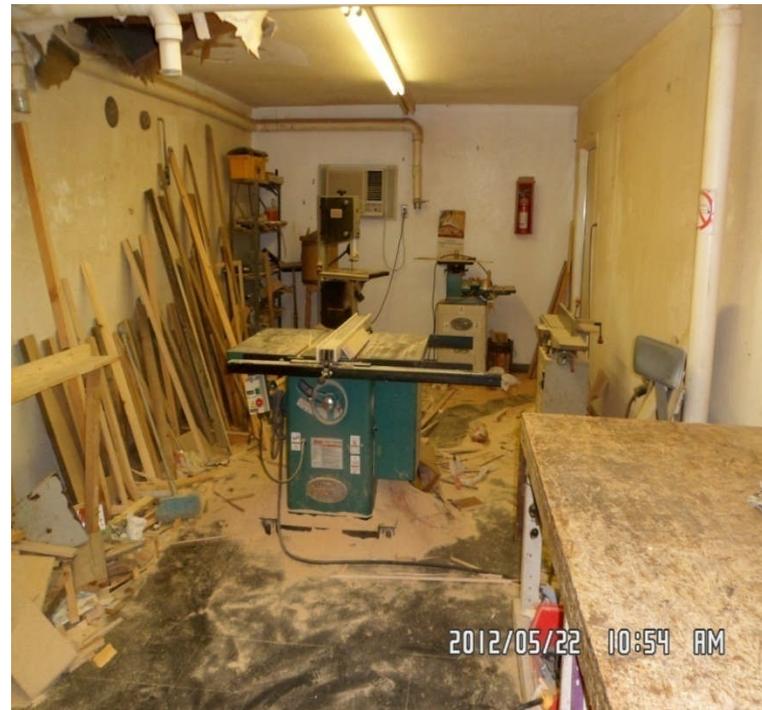


Current Enforcement Issues

- Uncertain what the building is allowed to be used for at the time of inspection/enforcement
- Enforcement rules applied are based on tenant's current building use
- Enforcement is NOT based on allowed or intended building use as defined by the Building Official



Storage and Unintended Use





Storage and Unintended Use





Storage and Unintended Use





Staff Recommendations

- Require Certificate of Occupancy be **readily available** to inspector
- Revise ordinance to modify **miscellaneous combustible materials permit rules**



Recommendation

- Operational Permit
 - Allows the applicant to conduct a business for which a permit is required.
 - Storage of Flammable, combustibles, hazardous materials, high piled storage, etc.
 - Permit required for storage ***over 2,500 cu. ft.*** of miscellaneous combustibles
 - Ensures code enforcement on an annual basis



Vacant Building Ordinance, 18.40

**Kurt Fenstermacher,
Interim Director, Environmental
Services Dept.**



Purpose

- Revise to streamline the vacant building ordinance and facilitate more effective enforcement of the ordinance.



History

- Adopted: August 24, 2010
- Effective: March 1, 2011
- Since adoption:
 - Residential buildings applicable March 1, 2013
 - Nonresidential buildings applicable March 1, 2014
- Introduction for revision: February 26, 2013
- From Aug. 2012 – Feb. 2013, staff have presented proposed ordinance revisions at 13 stakeholder meetings



Occupancy

- Occupied (current): at least 40% for nonresidential buildings; at least one person residing in a residential building designed with four units or less
- Occupied (proposed): at least 60% for nonresidential buildings; no change for residential four units or less



Vacancy Period

- Current: vacant for 3 years (nonresidential); vacant for 2 years (residential)
- Proposed: vacant for 1 year (nonresidential and residential)



Registration Revocation

- This section is proposed to be deleted, as it contradicts the City's goal of having applicable vacant buildings registered with the City
- For a building that becomes occupied or demolished, the permit official may terminate the certificate of registration (18.40.030.I,J)



Emergency Response and Fire Suppression

- Proposed deletion of hazard marking placards, as they are now included within the fire prevention code



Emergency Response and Fire Suppression (cont'd.)

- Proposed exception for sprinkler system upon approval of the fire official when:
 - building has limited combustibility
 - all combustible material and debris have been removed
 - building has adequate setbacks from other structures
 - building has been properly secured



Review: Staff Recommendations

- Fire Prevention Code (9.52)
 - Require Certificate of Occupancy be made available for review during inspection
 - Include new miscellaneous combustibles operational permit
- Vacant Building Ordinance (18.40)
 - Revise definition of occupancy
 - Revise definition of vacancy period
 - Delete registration certificate revocation process
 - Delete hazard placard requirement
 - Include exception for sprinkler system requirement

S E R V I C E S O L U T I O N S S U C C E S S



Questions and Comments





Existing IBC Requirement

- Certificate of Occupancy
 - Issued by the Building Official
 - Determines the authorized use of the building
 - Determines the applicable fire safety rules
 - Ex: An approved “Storage” occupancy will require a permit and annual compliance inspection. A structure not classified as, but used for “Storage” would require modification or removal of excess storage material