

**Ordinance No. 2005.07
Village of Salado
County of Bell
State of Texas
June 16, 2005**

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING THE INTERNATIONAL FIRE CODE AND PROVIDING FOR REVISIONS TO THE CODE; ADOPTING SECTION 1142 OF THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS ON WATER SUPPLIES FOR SUBURBAN AND RURAL FIREFIGHTING; ISSUANCE OF PERMITS AND COLLECTION OF FEES; ENFORCEMENT, INCLUDING CIVIL PENALTIES AND CRIMINAL NOT TO EXCEED \$2,000; A CONFLICTS PROVISION; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the Board of Aldermen of the Village of Salado seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and
- WHEREAS,** the Board of Aldermen seeks to deter shabby craftsmanship, poor property maintenance, prevent fires, reduce damage to neighboring properties, and preserve property values; and
- WHEREAS,** the Board of Aldermen finds that poorly constructed or maintained buildings constitute a nuisance and a threat to the public health, safety and general welfare; and
- WHEREAS,** the Board of Aldermen seeks to protect the citizens of Salado from the use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and
- WHEREAS,** the Board of Aldermen finds it to be in the best interest of the public to provide for a fire code within the Village; and
- WHEREAS,** the Board of Aldermen is authorized to regulate construction and prohibit nuisances pursuant to the Village's general police powers and Texas Local Government Code Chapters 51, 54, and 217; and
- WHEREAS,** pursuant to Texas Local Government Code Chapter 214 the Board of Aldermen is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes; and
- WHEREAS,** the Board of Aldermen has already adopted some of the authorized building codes and finds it to be in the public interest to adopt other designated codes; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

1. ENACTMENT CLAUSES

A. Popular Name

This Ordinance may be referred to as the "Fire Code Ordinance."

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Additionally, the Board of Aldermen finds the Fire Code to be an enforceable regulation governing 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.

C. Purpose

This Ordinance is adopted so that the Board of Aldermen may promote the public health, safety, and general welfare within the Village through the regulation of certain activities.

D. Compliance Required

- (1) It shall be unlawful for any person to violate the Fire Code adopted by this Ordinance.
- (2) It shall be unlawful for any person to fail to comply with the Fire Code adopted by with this Ordinance.

E. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the Village Limits (i.e., incorporated municipal boundary) of the Village.

F. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

G. Permit Fees

No permit required by the Fire Code shall be issued until the fees prescribed by the Board of Aldermen have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, have been paid. Fees for permits will be based on the fee schedule enacted by the Board of Aldermen.

H. Variance

The Board of Aldermen is hereby authorized to approve variances from this Ordinance and the Codes adopted herein.

- (1) No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this Ordinance. In order to grant a variance, the Board of Aldermen must first find:
 - (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
 - (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (d) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.
- (2) Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of the Fire Code so that the public health, safety and welfare may be secured and that substantial justice may be done.

2. ADOPTION

A. Designation

- (1) The Village hereby adopts the 2003 edition of the International Fire Code (IFC), 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 Village.
- (2) The Village hereby adopts Section 1142 of the 1999 edition of the National Fire Protection Association (NFPA) establishing standards on water supplies for suburban and rural firefighting.
- (3) That certain documents, three (3) copies of which are on file in the office of the Salado Village Secretary, being marked and designated as the International Fire Code, 2003 edition, including all Appendix Chapters (see International Fire Code Section 101.2.1, 2003 edition), as published by the International Code Council, and Section 1142 of the National Fire Protection Association, 1999 edition, be and ***are hereby adopted*** as the Fire Code of the Village of Salado in the State of Texas 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 therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said

Fire Code on file in the office of the Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

B. Revisions

That the following sections of the 2003 edition of the International Fire Code are hereby revised:

- (1) Section 101.1 Insert: Village of Salado.
- (2) Section 109.3. Insert: Criminal/Civil Offense(see Sec. 5 of this ordinance); punishable by a fine of not more than two thousand dollars (\$2,000.00); twenty (20) days
- (3) Section 111.4. Insert: One hundred dollars (\$100.00) or more than two thousand dollars (\$2000.00)
- (4) Section 3. That the geographic limits referred to in certain sections of the 2003 International Fire Code are hereby established as follows: The City Limits (i.e., the incorporated municipal boundary).
- (5) Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): within the Village limits.
- (6) Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): within the Village limits.
- (7) Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): within the Village limits
- (8) Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): within the Village limits

3. PRESERVATION OF RIGHTS

Nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

4. EFFECTIVE DATE

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

5. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance and the Fire Code adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

6. CODE CONFLICTS

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes or standards adopted by this Ordinance, the more stringent requirement shall govern. If, in the case of a conflict, it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern. If any provision of the 2003 edition of the International Fire Code (IFC) shall be interpreted as conflicting with or being contrary to a provision of Section 1142 of the 1999 edition of the National Fire Protection Association (NFPA), the less stringent requirement shall govern.

7. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

8. SEVERABILITY


It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

9. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this, the 16th day of June, 2005, by a vote of 4 ayes, 0 nays, and 0 abstentions of the Board of Aldermen.

THE VILLAGE OF SALADO, TEXAS



Rick Ashe, Mayor

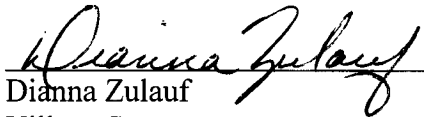


CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2005.07, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 16 day of June, 2005, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 16 day of June, 2005.



Dianna Zulauf
Village Secretary