

ORDINANCE NO. O-2022-84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE VIII, "FIRE PREVENTION", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING AND AMENDING THE PROVISIONS IN THE 2015 INTERNATIONAL FIRE CODE RELATED TO AUTOMATIC SPRINKLERS AND THE STORAGE, MANUFACTURING AND DISPLAY/SALE OF UPHOLSTERED FURNITURE AND MATTRESSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations not in conflict with Federal or State law to promote the health, safety and welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City of Tyler may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether expressed or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed in the Charter, in such manner as shall be provided by ordinances or resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the

constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the 2015 International Fire Code with local amendments is currently in effect; and

WHEREAS, the 2021 International Fire Code contains more up to date regulations related to automatic sprinklers and the storage, manufacturing and sale/display of upholstered furniture and mattresses; and

WHEREAS, the Fire Department has reviewed and recommends adoption of proposed amendments to Sections 903.2.4, 903.2.7, 903.2.9 and their respective subsections specifically related to Group F-1 Factory uses, Group M Mercantile uses, and Group S-1 Storage occupancies in the 2015 International Fire Code; and

WHEREAS, proposed amendments to Sections 903.2.4, 903.2.7, and 903.2.9 in the 2015 International Fire Code were presented to the Construction Board of Adjustment and Appeals;

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

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by amending Section 6-123 to read as follows:

Sec. 6-123. Fire Code-Amendments.

a. through m. No changes...

n. Section 903.2.4 is hereby amended to read as follows:

Subsections 1 – 3. No changes...

Subsection 4 is deleted in its entirety. (Ord. No. O-2022-84; 8/24/22)

o. Section 903 Automatic Sprinkler Systems is hereby amended by adopting a new Section 902.2.4.2 to read as follows:

Section 903.2.4.2 Group F-1 Upholstered Furniture or Mattresses. An automatic sprinkler system shall be provided throughout a Group F-1 fire area that exceeds 2,500 square feet used for the manufacture of upholstered furniture or mattresses. (Ord. No. O-2022-84; 8/24/22)

p. Section 903.2.7 is hereby amended as follows:

Subsections 1 through 3. No changes... (Ord. No. O-2022-84; 8/24/22)

Subsection 4. is deleted in its entirety.

q. Section 903 Automatic Sprinkler Systems is hereby amended by adopting a New Section 903.2.7.2 to read as follows:

903.2.7.2 Group M Upholstered Furniture or Mattresses. An automatic sprinkler system shall be provided throughout a Group M fire area where the area used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet. (Ord. No. O-2022-84; 8/24/22)

r. Section 903.2.9 is hereby amended as follows:

Subsections 1 through 4. No changes... (Ord. No. O-2022-84; 8/24/22)

Subsection 5. is deleted in its entirety.

s. Section 903 Automatic Sprinkler Systems is hereby amended by adopting a new Section 903.2.9.3 to read as follows:

903.2.9.3 Group S-1 Upholstered Furniture and Mattresses. An automatic sprinkler system shall be provided throughout a Group S-1 fire area where the area used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet. (Ord. No. O-2022-84; 8/24/22)

Exception: Self-service storage facilities not greater than one story above grade plane where all storage spaces can be accessed directly from the exterior. (Ord. No. O-2022-84; 8/24/22)

Current subsections n. through w. are hereby re-numbered as new subsections t. through c.c. with no other changes.

(Ord. No. O-96-5, 1-24-96; Ord. No. O-96-47, 6-5-96) (Ord. No. O-2001-64, 12/5/2001) (Ord. No. O-2006-33; 3/22/06) (Ord. No. O-2007-25; 2/28/07) (Ord. No. O-2011-42, 5/25/11) (Ord. No. O-2016-17; 2/2/24/16) (Ord. No. O-2018-16; 1/24/18) (Ord. No. O-2021-111; 12/8/21) (Ord. No. O-2022-84; 8/24/22)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be Friday, September 2, 2022.

PASSED AND APPROVED this 24th day of August, A. D., 2022.




DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY