

**ORDINANCE NO. O-2011-43**

**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, RELATING TO ADOPTION OF AMENDMENTS TO THE 2006 INTERNATIONAL FIRE CODE RELATING TO OUTDOOR BURNING, AMUSEMENT BUILDINGS AND AIRPORT HANGAR SUPPRESSION REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**WHEREAS**, the 2006 International Fire Code with local amendments is currently in effect; and

**WHEREAS**, the Fire Department has reviewed proposed amendments to the 2006 International Fire Code and recommends adoption; and

**WHEREAS**, the proposed amendments have been reviewed by the Construction Board of Adjustment and Appeals and the Airport Advisory Board;

**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 the 2006 Edition of the International Fire Code by amending Section 6-123 to read as follows:

**Sec. 6-123. Fire Code-Amendments.**

a. through i. No changes....

j. Sections 307.1 through 307.4 are deleted in their entirety and are replaced with a new Section 307.1, and Section 307.5 is re-numbered as new Section 307.2, to read as follows:

307.1. Outdoor burning. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained upon any premises within the City limits.

Exceptions:

1. Owners who reside on individual lots two (2) acres or larger may burn trees, brush and other plant growth on said lots if for purposes of maintenance or land clearing only and not for purposes of residential or commercial development, and if materials to be burned are generated solely on such property. Other materials, including household garbage, individual piles of leaves or grass, and commercial wastes, shall not be burned. (Ord. No. 0-2011-42, 5/25/11)

2. No changes...

3. Any burning carried out pursuant to subsections 1. or 2 above must conform to State law and to TCEQ or successor Rules. Per TCEQ rules, the Fire Department may require a property owner conducting outdoor burning to extinguish a fire if such burning causes a traffic hazard, or is deemed a nuisance for a "sensitive receptor" such as a residence, business, barn, greenhouse, etc. (Ord. No. 0-2011-42, 5/25/11)

4. No changes...

5. All complaints regarding outdoor burning should be forwarded to the Fire Chief or Fire Marshal's Office. (Ord. No. 0-2011-42, 5/25/11)

307.2 Attendance. No changes... (Ord. No. 0-2011-42, 5/25/11)

Subsections k. through m. No changes...

n. Section 914.7.1 is amended by adding a second Exception to read follows:

Exception: Automatic sprinklers shall not be required when an amusement building shall be in existence for less than 30 consecutive days, but only if the construction and use have been approved by the Fire Code Official or authorized representative. (Ord. No. 0-2011-42, 5/25/11)

o. Section 914.8.2 is amended to read as follows:

914.8.2. Fire Suppression. Aircraft Hangars shall be provided with a fire suppression system designed in accordance with NFPA 409. The NFPA 409 addresses the Fire Resistance requirements for aircraft hangars. The regulation of the Fire Resistance requirements for aircraft hangar structural components shall be as set forth in the 2006 IBC, Chapter 6. (Ord. No. 0-2011-42, 5/25/11)

**Exception:** Group II hangars, as defined in NFPA 409, storing private aircraft without major maintenance or overhaul are exempt from foam suppression requirements.

Current subsections n. through u. are re-numbered as new Subsections p. through w., with no other changes.




(Ord. No. O-96-5, 1-24-96; Ord. No. O-96-47, 6-5-96) (Ord. No. 0-2001-64, 12/5/2001) (Ord. No. 0-2006-33; 3/22/06) (Ord. No. 0-2007-25; 2/28/07) (Ord. No. 0-2011-42, 5/25/11)

**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, or later. The effective date of this ordinance shall be May 27, 2011.

PASSED AND APPROVED this 25<sup>th</sup> day of May, A. D., 2011.

  
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BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
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GARY C. LANDERS, CITY ATTORNEY

