

ORDINANCE NO. CO05-08-10-23-C1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE AND EMERGENCY MANAGEMENT", AT ARTICLE 5.01, ENTITLED "FIRE CODE", TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE; AMENDING ARTICLE 5.06, ENTITLED "OPEN BURNING", TO PROVIDE FOR PERMITTING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the 2006 Edition of the International Fire Code, published by the International Code Council, being Chapters 1 through 45, together with all Appendices, being "B" through "G", is hereby adopted in its entirety as if fully set forth herein **effective January 1, 2009**, as the fire prevention code of the City of Cedar Park, Texas, and that this Section 1 shall replace in its entirety, Section 5.01.001 of the City of Cedar Park, Texas, Code of Ordinances pertaining to the adoption of the Standard Fire Prevention Code, so that such section shall read as follows:

Sec. 5.01.001 2006 Edition of the International Fire Code adopted.

There is hereby adopted the 2006 Edition of International Fire Code, published by the International Code Council, including Appendices "B" through "G", be and is hereby adopted as the Fire Code of the City of Cedar Park and within 5,000 feet thereof 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 regulations, provisions, penalties, conditions and terms of said Fire Code 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. One (1) copy of said code is on file in the office of the city secretary and the same is hereby adopted and incorporated as fully as if set out at length herein.

SECTION 2. That Chapter 5, Section 5.01.002 of the City's Code of Ordinances, entitled "Conflict", is hereby deleted in its entirety and replaced with a new Section 5.01.002 as follows:

Sec. 5.01.002 Amendments to the 2006 Edition of the International Fire Code.

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Cedar Park, herein after referred to as "this code."

Section 101.2 Scope. The provisions of this code shall supplement any and all laws relating to fire safety and shall apply to all persons without restriction, unless specifically exempted. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

Section 109.3 Violation; penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor offense punishable by a fine of not more than \$2,000.00 or by imprisonment not exceeding (number of days), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 110.4 Abatement. Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on the premises under their control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or his duly authorized representative shall be guilty of a separate offense for each and every day or portion thereof which any violation of any of the provisions of this code is committed or continued. ~~The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.~~

Section 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 or more than \$2,000.00.

Section 202, General Definitions, shall be amended by adding or amending definitions to read as follows:

Division of fire prevention is the office of the fire marshal.

Fire Code Official. The fire marshal chief or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or a duly authorized representative. The Fire Chief supervises the Fire Code Official and has final authority over administration and enforcement of the code.

Jurisdiction is the City of Cedar Park, Texas.

Self-Service Storage Facility is real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

Standby Personnel are qualified fire service personnel or licensed security officers as approved by the fire chief or fire marshal. When utilized, the number required shall be as directed by the fire chief or fire marshal.

Section 308.3, *Open Flame*, shall be amended at subsection 308.3.1 as follows:

308.3.1 *Open flame cooking devices.* Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One and two family dwellings.
2. ~~Where buildings, balconies and decks are protected by an automatic sprinkler system.~~

Section 503.1, "*Where required*", shall be amended by adding a new subsection 503.1.4, so that such subsection shall read as follows:

503.1.4. Maintenance generally.

- (a) The fire code official shall report any negligent surface conditions, markings, or signs to the owner or person in control of property upon which a fire lane exists and shall issue instructions for repair.
- (b) It shall be unlawful for the owner or person in control of property upon which a fire lane has been designated or exists to fail to maintain the surface of the fire lane in good condition, free of potholes and other non-approved obstructions.
- (c) It shall be unlawful for the owner or person in control of property on which a fire lane has been designated or exists to fail to maintain any marking of the fire lane as required by this code in a condition which is not clearly legible.

Section 503.3 *Marking.* Where required by the fire code official, approved striping or, when allowed by the fire chief, signs, or both, or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs, notices and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Striping: Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches in width to show the boundaries of the lane. The words "FIRE LANE TOW-AWAY ZONE" shall appear in four inch white letters at thirty-five (35) feet intervals on the red border markings along both sides of the fire lanes. Curb facing shall be used when available; Fire lane striping shall be continuous throughout the designated Fire lane and shall lay down along backside of head in parking spaces.

503.3.2 Signs: shall read "FIRE LANE TOW-AWAY ZONE" and shall be twelve (12) inches wide and eighteen (18) inches high. Signs shall be painted on a white background with letters and borders in red, using not less than two (2) inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six

inches above finished grade. Signs shall be spaced not more than fifty (50) feet apart. Signs may be installed on permanent buildings or walls if approved by the fire chief.

Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed by persons in any manner, including parking, stopping or standing of any non-emergency vehicle, whether attended or unattended, in a fire lane. The minimum widths and clearances established in section 503.2.1 and any area marked as a fire lane as described in section 503.3 shall be maintained at all times. The operator of a premises shall maintain, free of obstruction, all fire lanes on his premises. No person may mark, post or otherwise identify a non-fire lane private vehicular passageway as a fire lane or in such a manner as tends to create confusion as to whether the passageway is a fire lane. Any unauthorized vehicle on a fire lane is:

- (1) Subject to removal by the operator of the premises, with the expense of removal and storage to be borne by the registered owner of the vehicle;
- (2) Subject to citation, as well as removal, by the fire code official or a police officer;
and
- (3) Prima facie evidence that the person in whose name the vehicle is registered is guilty of a violation of the parking provisions of this section.

Section 508.5 shall be amended at subsection 508.5.1, including the Exception thereto, and subsection 508.5.3 by adding new items 4 and 5, so that such section shall read as follows:

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Section 508.5.1 through 508.5.6.

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire chief. A secondary fire hydrant is required to be located not more than 500 feet from the facility or building. (Note: where a hydrant is required for a Fire Department Connection, the distance to the FDC shall be no more than 100 feet.)

Exceptions: 1. For Group R-3 ~~and Group U~~ occupancies, the distance requirement shall be 500 feet 600 feet (183 m).

508.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals.

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

4. Private fire hydrants or those hydrants supplied through or by a fire pump shall be painted red. (Or equal)
5. All fire hydrant locations shall be identified by the installation of a blue reflective marker, according to city specifications.

Section 510.1, Identification, by adding a new subsection 510.1.1, so that such subsection shall read as follows:

510.1.1 Sprinkler riser rooms. Sprinkler riser rooms shall have own access from exterior of building being served. Riser shall be located within 5' of the door, an additional Knox Key Box may be required at this location.

Section 603.1, Installation, by adding a new subsection 603.1.8 so that such subsection shall read as follows:

603.1.8 Labeling. Doors into Mechanical, boiler or other equipment rooms shall be marked with a plainly visible and legible sign stating "MECHANICAL ROOM, BOILER ROOM, OR EQUIPMENT ROOM" or similar approved wording as the situation dictates.

Section 603.6, Chimneys and appliances, by adding a new subsection 603.6.6 so that such subsection shall read as follows:

603.6.6 Maintenance of chimneys. All multi-family occupancies where fireplaces utilizing solid fuel are used shall have the chimneys inspected and/or cleaned by a certified chimney sweep on a yearly basis. A report of each inspection and/or cleaning shall be submitted to the fire prevention division upon request.

Section 605.1, Abatement of electrical hazards, by adding a new subsection 605.1.1, so that such subsection shall read as follows:

605.1.1 Main electrical shut off. A single means of electrical disconnect shall be provided on the exterior of the building. Shut off shall be located in an accessible area and properly labeled.

Exception: Where an enclosed room with an exterior door is provided, an additional Knox Key Box may be required at this location.

Section 605.5, Extension cords, shall be amended at subsections 605.5.1 and 605.5.4, so that such subsections shall read as follows:

605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle, ~~power tap or multiplug adapter~~ and, except for approved multiplug extension cords, shall serve only one portable appliance.

~~605.5.4 Grounding. Extension cords shall be grounded. when serving grounded portable appliances.~~

Section 703.1, *Maintenance*, Shall be amended by adding new subsections 703.1.3 and 703.1.4 so that such subsections shall read as follows:

703.1.3 Penetrations. All penetrations into rated fire walls shall be sealed with approved fire caulking or equivalent to include all seams, holes, roof decking and thru ducting. Rated fire wall's shall be stenciled "FIRE WALL" in 8 inch red letters every 10 feet above drop or false ceilings. Fire walls do not require stenciling if no dropped ceiling is installed.

703.1.4 Tenant Separations. Walls separating two or more tenants in multi-tenant buildings shall have a fire-resistance rating of not less than 1 hour. The wall shall extend from foundation to the underside of the roof deck.

Section 903.2 *Required installations of automatic fire extinguishing systems.* An automatic fire extinguishing system shall be installed and maintained in each occupancy as required by the provisions of section 903. Area separation walls shall not be used as an exemption to these requirements.

Section 903.2, *Where required*, shall be amended at the following subsections to read as follows:

903.2.1.1 Group A-1.

1. The fire area exceeds 6,000 ~~12,000~~ sq. ft.

903.2.1.3 Group A-3.

1. The fire area exceeds 6,000 ~~12,000~~ sq. ft.

~~*Exception:* Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.~~

903.2.1.4 Group A-4.

1. The fire area exceeds 6,000 ~~12,000~~ sq. ft.

~~*Exception:* Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.~~

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. ~~Throughout all~~ Group E fire areas greater than 6,000 ~~20,000~~ sq. ft. ~~in area.~~
2. An automatic sprinkler system shall also be provided for throughout every portion of educational buildings below the level of exit discharge.

** (No exceptions for separation walls)

~~*Exception:* An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.~~

903.2.3 *Group F-1.* An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- ~~1. Where a Group F-1 fire area exceeds 6,000 ~~12,000~~ square feet;~~
- ~~2. Where a Group F-1 fire area is located more than three stories above grade plane. The fire area is located on a floor other than the level of exit discharge.~~
- ~~3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).~~

903.2.5 *Group I.* An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

~~*Exception:* An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities.~~

903.2.6 *Group M.* An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

- ~~1. Where a Group M fire area occupancy exceeds 6,000 ~~12,000~~ square feet.~~
- ~~2. Where a Group M The fire area is located more than three stories above grade plane on a floor other than the level of exit discharge.~~
- ~~3. Where the combined area of all Group M fire areas on all floors, including mezzanines, exceeds 24,000 square feet (2,230 m²).~~

903.2.7 *Group R,* Shall be amended by adding a new subsections 903.2.7.1 and 903.2.7.2, so that such subsections shall read as follows:

903.2.7.1, *Townhouse.* Townhouses shall be provided with an approved automatic sprinkler system throughout the building. A Townhouse as defined in the IRC is a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

903.2.7.2, *Condominium.* Condominiums shall be provided with an approved automatic sprinkler system throughout the building. A condominium is defined as a structure of two or more units, the interior space of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.

903.2.8 *Group S-1.* An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. Group S-1 fire area occupancy exceeds 6,000 ~~12,000~~ square feet.
2. ~~A Group S-1~~ The fire area is located more than three stories above grade plane on a floor other than the level of exit discharge.
3. ~~The combined area of all Group S-1 fire areas on all floors, including mezzanines, exceeds 24,000 square feet (2,230 m²).~~

903.2.8.1 *Repair garages.* An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, ~~as follows:~~

1. ~~Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m²).~~
2. ~~One-story buildings with a fire area containing a repair garage exceeding 12,000 square feet (1115 m²).~~
3. ~~Buildings with a repair garage servicing vehicles parked in the basement.~~

903.2.10.3 *Buildings 55 feet or more in height.* An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.
2. Open parking structures.
3. ~~Occupancies in Group F-2.~~

903.2.14 *Group B.* An automatic sprinkler system shall be provided throughout buildings containing a group B occupancy where one of the following conditions exist:

1. Group B occupancy exceeds 6,000 square feet.
2. The fire area is located on a floor other than the level of exit discharge.

Subsection 903.3.5 Water supplies. ~~Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a ten percent (10%) safety factor. When any portion of the facility or buildings protected is in excess of one hundred fifty (150) feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, additional~~

fire hydrants and mains capable of supplying the required fire flow shall be required. Additional hydrant locations shall be based on fire load, internal fire protection systems, required fire flow, vehicular traffic, fire lanes, and other special circumstances. Fire hydrants shall be spaced no farther than five hundred (500) feet in residential areas and three hundred (300) feet in other than residential areas, measured center-on-center. These distances may be modified when sufficient data is provided showing equivalent fire protection can be maintained. Fire hydrants shall be located no closer than three (3) feet nor farther than six (6) feet from a fire lane.

903.3.7, *Fire department connections*, shall be amended to add a new subsection 903.3.7.1 to read as follows:

903.3.7.1 Location. Fire department connections (FDC) shall be located on front of the building or as approved by the fire chief; a remote FDC may be used. If remote FDC is used, location must be no less than three (3) feet and no more than six (6) feet from the fire apparatus access lane. A fire hydrant shall be located no further than one hundred (100) feet from the FDC and shall be located on the same side of the fire apparatus access lane as the FDC.

Section 907.1, *General*, by adding a new subsection 907.1.3 to read as follows:

907.1.3 Design standards. All alarm systems, whether new or replacement, that serves twenty-five (25) or more alarm activating devices shall be an intelligent addressable fire detection system.

Exception: Existing systems need not comply unless the total building remodel or expansion exceeds twenty-five percent (25%) of the original building.

Section 907.2.1.1 *System initiation in group A occupancies with an occupant load of 300 +,000 or more.* Activation of the fire alarm in Group A occupancies with an occupant load of 300 +,000 or more shall immediately initiate an approved prerecorded message announcement using an approved voice communication system in accordance with NFPA 72 that is audible above the ambient noise level of the occupancy ~~a signal using an emergency voice/alarm communications system in accordance with NFPA 72.~~

907.2.3 *Group E.* A manual and automatic fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of one hundred (100) feet open space, all buildings, whether accessory buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

907.2.4 *Group F.* A manual fire alarm system shall be installed in Group F occupancies that are ~~two or more stories in height and~~ have an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will activate upon sprinkler water flow.~~

907.2.12 High-rise buildings. Buildings with a floor used for human occupancy located more than 55 feet ~~75 feet (22 860 mm)~~ above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

~~Exceptions:~~

- ~~1. Airport traffic control towers in accordance with Section 907.2.22 and Section 412 of the International Building Code.~~
- ~~2. Open parking garages in accordance with Section 406.3 of the International Building Code.~~
- ~~3. Buildings with an occupancy ion Group A-5 in accordance with Section 303.1 of the International Building Code.~~
- ~~4. Low-hazard special occupancies in accordance with Section 503.1.1 of the International Building Code.~~
- ~~5. Buildings with an occupancy in Group H 1, H 2 or H 3 in accordance with Section 415 of the International Building Code.~~

Subsection 907.3.1.8, Group R-4, shall be amended by deleting the exceptions thereto, as follows:

~~Exceptions:~~

- ~~1. Where there are interconnected smoke alarms meeting the requirements of Section 907.2.10 and there is at least one manual fire alarm box per floor arranged to sound continuously the smoke alarm.~~
- ~~2. Other manually activated, continuously sounding alarms approved by the fire code official.~~

Section 907.6 Wiring. Wiring shall comply with the requirements of the National Electric Code ~~ICC Electrical Code~~ and NFPA 72. Wireless protection systems utilizing radio-frequency transmitting devices shall comply with the special requirements for supervisions of low-power wireless systems in NFPA 72.

Subsection 907.9.2 High-rise buildings. In buildings with a floor used for human occupancy that is located more than 55 feet ~~75 feet (22 860 mm)~~ above the lowest level of fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided.

Section 913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised for "loss of power," "phase reversal" and "pump running" condition by supervisory signals on distinct circuits. open by one of the following methods.

Subsection 1020.1.7 Smokeproof enclosures. In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exits of a building that serves stories where the floor surface is located more than 55 feet 75 feet (22 860 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.20.

Section 2204, Dispensing Operations, shall be amended by adding a new Subsection 2204.3.8 as follows:

2204.3.8 Fire protection. A fixed fire suppression system shall be installed under the canopy and around the dispensing unit in accordance with NFPA-17, NFPA-72 and UL 1254.

Section 2205, Operational Requirements, shall be amended by adding a new Subsection 2205.8 as follows:

2205.8 Fire protection. Additional fire protection shall be provided where required by the authority having jurisdiction. Additional fire protection considerations may include such items as fixed suppression systems and automatic fire detection. Where installed they shall comply with NFPA-17, NFA-72 and UL 1254. Where fixed suppression systems are installed the requirements of 2205.5 may be waved or modified.

SECTION 3. That Article 5.01 of the Code of Ordinances of the City of Cedar Park, Texas, entitled "Fire Code", is hereby amended by adding a new Section 5.01.003 so that such section shall read as follows:

Sec. 5.01.003. That the geographic limits referred to in certain sections of the 2006 Edition of the International Fire Code are hereby established as follows:

Section 3204.3.1.1 That the geographic limits for the storage of flammable cryogenic fluids in stationary containers is hereby established at 10,000 gallons. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the City of Cedar Park, with the exception of areas zoned for industrial use. Storage of flammable cryogenic fluids may be permitted at the discretion of the fire marshal or fire chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within 100' of the property line of any Group E, I or R occupancies.

Section 3404.2.9.5.1 (Storage) That the geographic limits for the storage of Class I and Class II liquids in above-ground tanks outside of buildings is hereby established at 10,000

gallons. Storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Cedar Park, with the exception of those districts which are zoned for industrial use. Installation of above ground tanks in industrial districts shall be permitted at the discretion of the fire marshal or the fire chief following his/her review of the proposed installation area. When used in conjunction with chapter 22, above ground storage tanks will be allowed at the discretion of the fire marshal or the fire chief. Tanks shall not be located within 100' of the property line of any Group E, I or R occupancies

Section 3406.2.4.4 (Special Operations) That the geographic limits for the storage of Class I and Class II liquids in above-ground tanks is hereby established at 10,000 gallons. Storage of Class I and II liquids in above ground tanks is prohibited within the City of Cedar Park, with the exception of areas that are zoned for industrial use. Storage of Class I and II liquids may be permitted at the discretion of the fire marshal or fire chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within 100' of the property line on any Group E, I or R occupancies.

Section 3804.2 That the geographic limits for the storage of liquefied petroleum gas is restricted to 2,000 gallons for the protection of heavily populated or congested areas. Tanks shall not be located within 100' of the property line of any Group E, I or R occupancies.

SECTION 4. That Article 5.06 of the Code of Ordinances of the City of Cedar Park, Texas, entitled "Open Burning", is hereby amended so that such section shall read as follows:

There shall be no open burning of materials within the city limits and within 5,000 feet thereof without first obtaining a permit from the office of the Fire Marshal and except in accordance with the rules and regulations of the Texas Commission on Environmental Quality Natural Resources Conservation Commission.

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

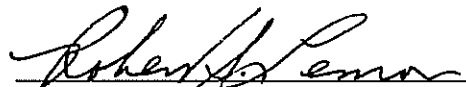
SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law. **This Fire Code and Amendments detailed in this agenda item will be effective January 1, 2009.**

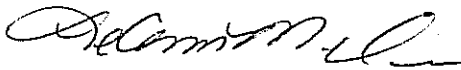
READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of October, 2008, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 23rd day of October, 2008, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.


CITY OF CEDAR PARK, TEXAS

ATTEST:


Robert S. Lemon, Mayor


LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM
AND CONTENT:


Charles W. Rowland, City Attorney

