

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX (B), ADDING SECTIONS 42-120, 42-121 AND 42-122, OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, PROVIDING NEW FEES FOR ANNUAL FIRE AND LIFE SAFETY OPERATING PERMITS, SPECIAL USE PERMITS, AND INSPECTION FEES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

I.

Appendix (B), of the Code of Ordinances of the City of Deer Park, is hereby amended so that it shall hereinafter read as follows:

Appendix(B), Sections 42-120, 42-121 and 42-122; Annual fire and life safety operating permits, special use permits, and inspection fees:

The following shall be added under Appendix B, Sections 42-120, 42-121 and 42-122:

Section 42-120:

(a) Definitions. For the purpose of this section the following definitions shall apply:

Assembly use occupancies are buildings or structures, or a portion thereof, used for the gathering of persons for purposes of recreation, food or drink consumption including, but not limited to: banquet halls and restaurants.

Day care use occupancies are buildings and structures occupied by persons of any age who receive custodial care for less than twenty-four (24) hours by individuals other than parents or guardians, relatives by blood marriage, or adoption and in a place other than the home of the person cared for including but not limited to: Day care centers, after school programs and family/group day care homes.

Emergency generators means an engine generator in commercial, not residential, occupancies supplying emergency or standby power to fire and life safety systems, fire alarms or fire pumps.

Fire and life safety operating permit means a certificate of authorization issued by the City of Deer Park Fire Marshal's Office to the owner, agent, or person in control of the property, which authorizes the operation of certain occupancies which by virtue of their operation or clientele has an increased fire and life safety hazard.

Foster homes or group foster home occupancies means a private residential dwelling and its surrounding grounds which is licensed or approved by the state to provide twenty-four (24) hour substitute foster care for children.

High-hazard use occupancies are buildings or structures, or a portion thereof, which involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard including, but not limited to: auto wrecking yards, automotive repair shops, fuel dispensing, hazardous

materials storage, high pile storage, industrial ovens, lumberyards, service stations and tire storage facilities.

Institutional use occupancies are buildings or structures, or a portion thereof, in which people are cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment including but not limited to: alcohol and drug centers, assisted living facilities, congregate care facilities, convalescent facilities, group homes, half-way houses, residential board and care facilities, social rehabilitation facilities, hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities.

Multi-family residential use occupancies are buildings or structures, or a portion thereof containing three (3) or more dwelling units including but not limited to: apartment houses, boarding houses, congregate living facilities, dormitories, fraternities and sororities, hotels, and motels.

Special use permit means a certificate of authorization issued by the City of Deer Park Fire Marshal's Office to the owner, agent, or person in control of the property, which authorizes the operation of certain businesses which by the very nature of the operations constitute a special fire hazard.

Tent means a structure, enclosure or shelter constructed of fabric or pliable material supported by any manner used for the gathering of persons for commercial purposes of recreation and entertainment including tents that are used for assemblies, carnivals or circuses. For the purpose of this section, "tent" does not include pop tents or tents used for personal use.

- (b) **Applicability.** The provision of this section applies to all fire and life safety operating permits, special use permits and certain inspections conducted by the fire prevention department (fire marshal's office) within the corporate limits of the City of Deer Park.
- (c) **Permit application: issuance.** It shall be unlawful for any person to operate, cause to be operated, or permit the operation of an assembly use occupancy, a day care use occupancy, foster or group foster home occupancy, a high-hazard use occupancy, an institutional use occupancy, or a multi-family residential use occupancy unless a valid fire and life safety operating permit or a special use operating permit has been issued by the City of Deer Park Fire Marshal's Office for such business or operation.
- (d) **Existing occupancies.** Occupancies in existence before the effective date of this section shall be required to obtain a fire and life safety permit or the special use operating permit. (No "grandfathered" exemptions.)
- (e) **Separate permit for each place of business.** Every person who desires to maintain and operate more than one (1) place of business or branch office or substitute place of business for which a permit is required by this section must designate in his application each and every such place of business, branch office or substitute place of business, giving each address, and pay a separate permit fee and secure a separate permit for each address.
- (f) **Display.** A permit issued under this article shall at all times be displayed in a conspicuous place in the office of each place of business maintained by the permit holder.
- (g) **Term; renewal.** Permits issued under this section shall expire on December 31 of each calendar year, unless they are issued on or after September 1 of any given year, in which case they will expire on December 31 of the following year. Such permits shall be renewed by filing an application for renewal with the fire marshal's office.

- (h) ***Fee required.*** A fee shall be assessed for all annual fire and life safety operating permits, special use operating permit and certain types of inspections conducted by the fire marshal's office. Such fee shall be paid prior to issuance of the initial permit and upon renewal of such permit each year thereafter. Organizations that are recognized as “non-profit” or “tax exempt” by the IRS tax code may request a fee waiver from the fire marshal. The fees shall be as follows:

Section 42-121:

Annual fire and life operating permits

- (a) Assembly use occupancies, banquet halls, night clubs, restaurants, taverns and bars:

1. 1—99 persons	\$50.00
2. 99—299 persons	\$100.00
3. 300 or more persons	\$150.00

- (b) Day care use occupancies, licensed facilities providing less than 24-hour care, day care centers/after school programs licensed for:

1. 1—25 children	\$50.00
2. 26—49 children	\$75.00
3. 50—99 children	\$100.00
4. 100—149 children	\$125.00
5. 150 or more children	\$150.00

- (c) Family/group day care homes licensed for:

1. 1—12 people	\$75.00
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- (d) Foster homes or group foster home occupancies, licensed facilities providing 24-hr care foster homes/foster group homes:

1. Licensed for 1—6 children	\$25.00
2. Licensed for 7—12 children	\$75.00

- (e) Institutional use occupancies, licensed facilities providing 24-hr care hospitals/nursing homes licensed for:

1. 1—99 beds	\$100.00
2. 100—199 beds	\$150.00
3. 200—499 beds	\$200.00
4. 500 or more beds	\$350.00

- (f) Institutional use occupancies, 24-hour care facilities, such as residential treatment centers, personal care facilities, maternity homes, and similar facilities. Licensed for:

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| 1. | 1—3 occupants | \$50.00 |
| 2. | 4—16 occupants | \$75.00 |
| 3. | 17—25 occupants | \$100.00 |
| 4. | 26 or more occupants | \$150.00 |

(g) Multi-family residential use occupancies, multi-family residences, apartments, hotels, motels and other multi-family dwellings:

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| 1. | 3-20 dwelling units | \$50.00 |
| 2. | 21-100 dwelling units | \$150.00 |
| 3. | 101 or more units | \$250.00 |

(h) High-hazard use occupancies, high hazards operations:

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| 1. | Hazardous materials storage | \$250.00 |
| 2. | Auto wrecking yards | \$50.00 |
| 3. | Automotive repair | \$50.00 |
| 5. | Lumber yards | \$100.00 |
| 6. | Tire storage | \$65.00 |
| 7. | High pile storage | \$200.00 |
| 8. | Service stations/fuel dispensing | \$200.00 |

Section 42-122:

Special use operating permits

Commercial burn operations	\$200.00
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Explosives and pyrotechnics

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| 1. | Use and storage explosives | \$125.00 |
| 2. | Fireworks displays | \$200.00 |
| 3. | Pyrotechnics | \$125.00 |

Fire extinguisher training	\$50.00
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Commercial carnivals	\$50.00
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Tents	\$35.00
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Canopies	\$25.00
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Miscellaneous permits and inspection

Emergency generators	\$25.00
Occupancy load evaluation	\$50.00
After hours inspections	\$200.00 minimum (first 4 hours)
Access gates	\$25.00
Re-inspection (after 2 nd visit)	\$50.00 per additional visit
Product line inspection	\$125.00
Storage tank inspection	\$125.00
Occupancy load evaluation	\$50.00

Plan reviews:

1. Fire alarms plan review and inspection \$100.00
2. Fire sprinkler plan review and inspection \$100.00
3. Suppression System plan review and inspection \$100.00
4. Miscellaneous life safety plan review and inspection \$100.00

- I. *Re-inspections.* If, after the 2nd inspection, it is necessary for the fire inspector to re-inspect any work whether from a defect or the work not being ready a re-inspection fee of fifty dollars (\$50.00) shall be collected for each re-inspection.
- J. *Permit revocation.* The fire marshal shall have, and is hereby granted, the power and the authority to revoke any and all permits authorized by this section for violation of the terms and provisions of city ordinances, fire codes adopted by the City of Deer Park and applicable state laws.
- K. *Penalty.* Any violation of any provision of this section shall be deemed a class C misdemeanor and any person, firm, corporation, or other entity convicted of any such violation shall be fined not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). Each day that a violation continues shall constitute a separate offense.

II.

The above rates shall be effective on October 1, 2016.

III.

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

IV.

The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare in that it is necessary to amend the provisions of the Code of Ordinances regulating permit fees since the increased revenue can be made available immediately in order to continue to provide fire protection for the protection of the public, thereby creating an emergency, for which, the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and, accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2016 **by a vote of** _____ **“Ayes” and** _____ **“Noes”.**

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney