

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 19-11-113; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDICES A THROUGH I AND APPENDICES K THROUGH N, SAVE AND EXCEPT THE DELETIONS AND ADDITIONS SET FORTH HEREIN; PRESCRIBING ADDITIONAL REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS AND EXPLOSION; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas (“Frisco” or “City”), to repeal, in its entirety, Ordinance No. 19-11-113 and replace it with this Ordinance, adopting the 2021 Edition of the International Fire Code, including Appendices A through I and Appendices K through N, save and except the deletions and additions set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repealing of Ordinance No. 19-11-113. Ordinance No. 19-11-113 is hereby repealed, in its entirety, and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 19-11-113 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 15-06-37 occurring before the effective date of this Ordinance.

SECTION 3: Adoption of the 2021 International Fire Code. The 2021 International Fire Code (“2021 International Fire Code”), copyrighted by the International Code Council, Inc., including Appendices A through I and Appendices K through N, save and except the deletions and additions set forth in Exhibit A, attached hereto and incorporated herein for all purposes, is hereby adopted as the Fire Code for Frisco, 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 located within Frisco. The 2021 International Fire Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2021 International Fire Code are on file in the office of the City Secretary of Frisco, being marked and designated as the 2021 International Fire Code. The deletions and additions set forth in Exhibit A also are located on Frisco’s website under Development Services.

SECTION 4: Controlled Intersection Emergency Systems. All traffic-controlled intersections installed in Frisco shall be equipped with a device that is compatible with the GTT Opticom Priority Control System, or an equivalent thereof. All optical detectors shall be mounted at or near the intersection that permits a direct, unobstructed line-of-sight to the oncoming vehicle. Card racks and phase selectors must be mounted in traffic control cabinets.

SECTION 5: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it under local, state and federal law.


SECTION 6: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of such ordinances shall remain in full force and effect.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS**, on this 6th day of December, 2022.




Jeff Cheney, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

APPROVED AS TO FORM:




Kristi Morrow, City Secretary



Abernathy, Roeder, Boyd & Hullett, P.C.
Aliceson Cotton, City Attorneys

Dates of Publication: December 11, 2022 and December 18, 2022, *Frisco Enterprise*

Exhibit A
CITY OF FRISCO DELETIONS/ADDITIONS
2021 INTERNATIONAL FIRE CODE¹

The following deletions and additions to the 2021 International Fire Code are hereby approved and adopted (deletions are evidenced by ~~strike through~~ and additions are evidenced by underline²):

Section 101.1; insert:

101.1 Title. These regulations shall be known as the Fire Code of the City of Frisco, Texas, hereinafter referred to as "this code."

Section 102.1; change #3 to read as follows:

3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

Section 102.7; change to read as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Whenever amendments to the referenced codes and standards, as they exist or may be further amended, have been adopted by Frisco, each reference to said codes and standards shall be considered to reference the amendments and any future amendments thereto. Any reference to NFPA 70 shall mean the International Electrical Code.

Section 103.1; change to read as follows:

103.1 Creation of agency. The Frisco Fire Department is hereby created and The official in charge thereof of the Frisco Fire Department shall be known as the fire code official. The Functions of the agency-Frisco Fire Department shall be include the implementation, administration, and enforcement of the provisions of this code.

Section 103.2; change to read as follows:

103.2 Appointment. The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction, in accordance with the prescribed procedures of this jurisdiction.

Section 105.6; change to read as follows:

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.25.

¹ Unless otherwise expressly provided herein, all phrases, words and terms used herein shall have the same meaning ascribed to the same in the 2021 International Fire Code (regardless of whether such phrases, words and terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

Section 105.6.25; add the following section:

A construction permit is required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the electronic access control system.

Exception: Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 106.2; change to read as follows:

Construction documents and supporting data shall be submitted in the manner prescribed by the City of Frisco and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: {Not Changed}

Section 107.1; amend to read as follows:

A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, in Appendix A, "Schedule of Fire Code Fees" to this ordinance, has been paid.

Section 107.2; amend to read as follows:

107.2 Permit, Inspection and Miscellaneous Fees. The following Permit, Inspection and Miscellaneous Fees shall apply to the regulations governing conditions hazardous to life and property from fire, hazardous materials and explosion.

Section 107.2; add the following section:

107.2.1 Construction and Installation Permits:

- Water-based Fire Suppression System (per square foot of building): \$0.03 per square foot (minimum fee \$50.00)
 - Separate Standpipe fee: \$150.00
- Single-family Residential Automatic Fire Sprinkler System: \$0.03 per square foot of building (minimum fee \$50.00)
- Special Fire Suppression Systems (Kitchen Hood/Clean Agent): \$75.00
- Fire Alarm Systems:
 - \$50.00 per building for less than 10 devices
 - \$75.00 for 11 to 25 devices
 - \$150.00 for 26 to 99 devices
 - \$200.00 for 100 or more devices
 - \$2.00 for each additional device over 100 devices
- Mechanical Trench Burn: \$200.00 per day
- Underground Fire Main (Only): \$50.00 per system
- Limited Access Security Gates and Perimeter Fencing: \$100.00 per system
- Underground or Above Ground Storage Tank: \$100.00
- Storage Tanks
 - Install, repair, repair damage to, abandon, remove, place temporarily out of service, close or perform substantial modification to a storage facility when the amounts listed in 2015 IFC Table 105.6.20 are exceeded: \$100.00
 - Repair of a Fuel Line (Pressure Test): \$100.00

- Battery Systems
 - Installation of battery systems with liquid capacity of greater than 50 gallons: \$100.00
- Compressed Gases
 - Construction of compressed gas areas or facilities with greater than exempt quantities: \$100.00
 - Installation of an Industrial Oven: \$100.00
- Drilling Fees (oil, natural gas or other well facilities not to include water)
 - New Well: \$5000.00
 - Operational Transfer Fee: \$500.00
 - Appeal Fee: \$100.00
- Construction of an H-Occupancy: \$100.00 Building Access
- Control/Egress Permit: \$50.00

107.2.2; add the following section:

107.2.2 Operational Permits:

- Fireworks Operational Permit: \$50.00 per show
- Carnivals and Fairs: \$50.00 per event
- Fire Hydrants and Valves per Section 105.6.15: \$50.00 for the first (5) days, then \$15.00 per day starting on day six (6)
- Drilling Operational Fee (not to include water wells): \$100.00 per site per year

107.2.3; add the following section:

107.2.3 Plan Review and Inspection Fees:

- Re-inspection Fees
 - \$50.00 first re-inspection
 - \$75.00 second re-inspection
 - \$100.00 third and subsequent re-inspections
- Plan Re-submittal Fee: \$50.00 each occurrence
- Expedited Plan Review: \$200.00
- After-hours Inspection Fee: \$50.00

Section 107.3—DELETE this section in its entirety

Section 107.4; amend to read as follows:

Any person, firm, partnership, corporation, association, or other entity who commences any work, activity, or operation regulated by this code before obtaining the necessary permits shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of \$2,000, and each day work continues shall constitute a separate and distinct violation.

Section 110.4; amend to read as follows:

110.4 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 Class C Misdemeanor, punishable by a fine of not more

than \$2000.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 202; amend and add definitions to read as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

AUTOMATIC SPRINKLER SYSTEM; ADD:

Additionally, with regard to an automatic sprinkler system for one- and two-family dwellings, the automatic sprinkler system described herein shall comply with Section R313 of the International Residential Code, which fully complies with 1301.551, TEX. OCC. CODE, relating to, among other things, a municipalities authority to regulate, by ordinance, or otherwise, the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling.

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks or 1.4G fireworks. ... {Remainder of text unchanged}...

HIGH-PILED COMBUSTIBLE STORAGE: add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 5,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building with an occupied floor located more than 75 55 feet (22 860 16 764 mm) above the lowest level of fire department vehicle access.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. 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. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

Section 307.1; change to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this Sections 307.1.1 through 307.5 and applicable statutes and administrative laws of the State of Texas and the Texas Commission on Environmental Quality (TCEQ).

Exception: {No change.}

Section 307.1.1; change to read as follows:

307.1.1 Prohibited open burning. Open burning shall be prohibited when:

1. atmospheric conditions or local circumstances make such fires hazardous;
2. the burning is offensive or objectionable because of smoke emissions.

Exception: Remains unchanged.

Section 307.2; change to read as follows:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning or a bonfire. TCEQ documented approval to conduct the specific burning shall be required to be submitted with the permit application. Application for

such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Section 307.3; change to read as follows:

307.3 Extinguishment authority. ~~When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.~~

Section 307.4 and 307.4.1; change to read as follows:

307.4 Location. The location for open burning shall not be less than ~~50 300~~ feet (~~15-240 91 440~~ mm) from any structure, and provisions shall be made to prevent the fire from spreading to within ~~50 300~~ feet (~~15-240 91 440~~ mm) of any structure.

Exceptions:

1. ~~Delete~~
2. ~~Delete~~

307.4.1 Bonfires. A bonfire shall not be conducted within ~~50 300~~ feet (~~15-240 91 440~~ mm), or greater distance as determined by the fire code official, of a structure or combustible material, unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within the required setback ~~50 feet (15-240 mm)~~ of a structure shall be eliminated prior to ignition.

Section 307.4.4 and 307.4.5; change to read as follows:

307.4.4 Permanent Outdoor Firepit. Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Residential Code or International Building Code.

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

Section 307.5; change to read as follows:

307.5 Attendance. Open burning, trench burns, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {Remainder of section unchanged}

Section 308.1.4; change to read as follows:

308.1.4 Open-flame Cooking Devices. ~~Charcoal burners and other~~ Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be operated located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings
2. **DELETE**
3. **DELETE**

Section 308.1.6; change to read as follows:

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause a fire shall not be operated or used in or on wildfire risk areas, except by a permit in accordance with Section 105.5 secured from the fire code official.

Section 308.1.6.2, Exception #3; change to read as follows:

3. Torches or flame-producing devices in accordance with Section ~~308.4~~ 308.1.3.

Section 308.1.6.3; change to read as follows:

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released an ~~untethered~~ unmanned free-floating device containing an open flame or other heat source, such as but not limited to a sky lantern.

Section 311.2.2, Exception #3; changed to read as follows:

Where approved by the fire code official, fire alarm and automatic sprinkler systems are permitted to be placed out of service in seasonally occupied buildings: that will not be heated; where fire protection systems will be exposed to freezing temperatures; where fire areas do not exceed ~~12,000~~ 5,000 square feet; and, that do not store motor vehicles or hazardous materials.

Section 311.5; change to read as follows:

311.5 Placards. ~~Any~~ The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, The building or structure shall ~~shall~~ be marked as required by Section 311.5.1 through 311.5.5.

Section 401.5; replace with:

False alarms and nuisance alarms shall not be given, signaled, transmitted, or caused or permitted to be given, signaled, or transmitted in any manner.

Section 403.4; change to read as follows:

403.4 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.4.1 through 403.4.3.

Section 404.2.2; add Number 8 to read as follows:

8. Fire extinguishing system controls

Section 405.5; change to read as follows:

405.5 Time. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Exceptions:

1. {No change.}
2. {No change.}

Section 501.4; change to read as follows:

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior

~~to the time of which construction has progressed beyond completion of the foundation of any structure. , such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.~~

Section 503.1.1; amend to read as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- a. The 150 feet shall be measured along a 10-foot wide unobstructed level pathway not exceeding a slope of 5:1, around the external walls of the structure.
- b. Retaining walls with a drop of 4 feet or greater shall be provided with a fence or barrier to prevent accidental falls.
- c. The provision of this section notwithstanding, fire lanes may be required to be located within 30 feet of a building if required by the fire code official to enable proper protection of the building.
- d. An unobstructed 5-foot wide level pathway shall be provided through all barriers.
- e. A continuous row of parking between the fire lane and the structure shall be considered a barrier.
- f. Fire lane easements shall be provided to serve all buildings through parking areas, to service entrances of buildings, loading areas and trash collection areas and other areas deemed necessary to be available to fire and emergency vehicles.
- g. All commercial buildings and residential sub-divisions shall be provided with a minimum of 2 points of access.
- h. (A dead-end street with 2 points is not considered 2 points of access.)
- i. Residential sub-divisions shall not provide a second point of access through commercial developments.
- j. The fire code official is authorized to designate additional requirements for fire lanes where reasonably necessary to provide access for fire and rescue personnel.
- k. Dead-end fire lanes are not allowed unless approved by the fire code official.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where reasonable conditions exist to allow for a greater distance.

- 1.1 Delete
- 1.2. Delete
- 1.3. Delete

2. Unchanged

Section 503.1.4; add the following section:

503.1.4 Building Courtyards. Buildings having an interior courtyard that do not meet the requirements of Section 503.1.1 for fire department access shall provide two points of access from the fire lane to the interior courtyard. Each of the two points of access shall be a minimum of 10 feet wide in each corridor having a minimum of a 2-hour fire rating in accordance with the IBC.

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20

24 feet (6096 mm 7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm) 14 feet (4267 mm).

Section 503.2.2; change to read as follows:

503.2.2 Authority. The *fire code official* shall have the authority to require ~~or permit modifications to the~~ required an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

Section 503.2.3; change Section 503.2.3 to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support imposed loads of 85,000 Lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus roads shall be designed in accordance with the City of Frisco Engineering Design Standards.

Section 503.2.4; amend to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official and shall be no less than the following:

1. For 90 or less degree turns:
 - a. 24-foot fire lane: minimum radius 20 feet.
 - b. 30-foot fire lane: minimum radius 20 feet.
2. Dimensions for Fire Department Apparatus Access Road Cul-de-sac shall be as follows:
 - a. 50-foot radius inside of curb to inside of curb.
3. Center island: No center island is permitted on Fire Apparatus Access Roads. Special consideration will be given to increased radius cul-de-sacs and roundabouts; however, trees, obstructions and/or barriers are specifically prohibited in these islands unless otherwise approved by the Fire Chief.

Section 503.3; change to read as follows:

503.3 Marking. ~~Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE~~ Striping, signs, or other markings are required and as approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated ~~Striping, signs and other markings~~ shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. The use of multiple marking methods may be approved and/or required by the fire code official.

Section 503.4; change to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 503.6 is replaced and reads as follows:

503.6. Gates and barricades. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official and approved by the fire chief. Where gates are installed across fire access roads they shall have an approved means of emergency operation. The gates or barricades and their emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates and barricades

intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The primary means of gate operation shall be by "Opticom". The gate or barricades shall be fitted with an "Opticom" emitter on each side of the gate or barricade. The gate or barricade shall also open by means of an *approved* key switch that is mounted on the keypad or other approved location.

Section 503.6.1 and 503.6.2; add Sections 503.6.1 and 503.6.2 as follows:

503.6.1 Permit Required. Where permitted by the fire code official, to allow the incorporation of limited access control gates or barricades across dedicated or designated fire lane easements, to ensure that emergency access routes are maintained unobstructed and that emergency vehicles are not delayed entering these properties, a separate permit must be applied for the security gate and/or barricade.

503.6.2 Permit Requirements. Plans for gate systems shall be submitted to the fire code official for review and approval before a permit is issued. The permit may be revoked if the permit holder fails to maintain the gate system(s) in good working order, which may cause the delay or obstruction of emergency services gaining immediate access to the property. The fire code official may require the gates to remain open if any of the required devices are not working in accordance with Section 503.

Section 504.1; amend to read as follows:

504.1 Required Access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department and police department acting in the scope of duty. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided where required by the fire code official.

Section 504.1.1; add 504.1.1 to read as follows:

504.1.1 Required access information. The owner, owner's authorized agent, operator, occupant or person responsible for the door(s) shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, device, key, or information necessary for accessing any exterior doors and openings required by this code or the International Building Code. The code, combination, device, key, or information must be provided prior to the new or existing door being secured.

Section 504.1.1; add 504.1.1 to read as follows:

504.1.1.1 Penalty. A violation of 504.1.1 shall be punishable by a fine of not less than \$1,000.

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property and rear alley ways and access. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than ~~4 inches (102 mm)~~ 12 inches (304.8 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

Exceptions:

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.
2. Structures located in the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the fire code official.

Section 505.3; add to read as follows:

505.3 Additional Location Identification: Where new and existing buildings containing multiple tenant spaces whose primary access is from an interior corridor or, where the entrances to the tenant spaces are not immediately apparent from the exterior, those buildings shall provide numbered signs to assist emergency services personnel with locating any specific tenant space. Signs shall be durable and shall have characters that contrast with their background. Characters shall contain Arabic numbers and/or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 1 inch in height. Signs shall be placed, at a minimum:

1. On the opposite wall of a corridor across from any elevator or bank of elevators.
2. On the opposite wall of a corridor across from a stairway or stairway access.
3. At the confluence of two or more corridors.
4. At the beginning of a corridor from any vestibule, foyer, exterior access door or other point of ingress.
5. At any location, as directed by the Fire Code Official or their designee.

Section 506.1; change to read as follows:

506.1 Where required. Where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life-saving, law enforcement emergency response, or fire-fighting purposes, the fire code official is authorized to require a one or more key box(s) to be installed in an approved locations. The key box type shall be of an approved type by the fire code official and listed in accordance with UL 1037, and shall contain keys, access cards, and necessary devices, to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structure:
 - a. At fire sprinkler riser/fire pump rooms, if one is provided, and;
 - b. At additional locations as required by the fire code official
2. On commercial structures comprised of multiple tenant spaces—a single approved key box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number keys, cards, and/or devices.

Section 507.4; change to read as follows:

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The *fire code official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *fire code official*, as required or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the fire code official. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA

standard. Reference Section 903.3.5 for additional design requirements.

Section 507.5.1; amend to read as follows:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than ~~400~~ 300 feet from a fire hydrant ~~on~~ or a fire apparatus access road, as measured ~~by an approved route along the route that fire hose is laid by a fire department apparatus from~~ hydrant to hydrant around the exterior of the facility or building, on-site fire hydrants and mains shall be provided in accordance with 507.5.1.1. ~~where required by the fire code official.~~

Exceptions:

1. Delete
2. Delete

Section 507.5.1; Delete existing and replace with:

507.5.1 Where required. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. A fire hydrant shall be located within 100 feet of a fire department connection. Fire hydrants shall be spaced in accordance with the following:

1. Occupancy:

- One- and Two-Family Dwellings and Group U Occupancies: 500 feet.
- All others structures: 300 feet.

2. Hydrants shall be provided at main entrances, all intersecting streets and at intermediate locations between intersections as prescribed above, measured, as the hose would be laid. Hydrants will be installed at all intersecting fire-apparatus access roads.

3. Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 503.

4. Dead-end water lines shall comply with the Engineering Design Standards. The water lines shall serve no more than the following number of hydrants and fire appliances.

- 6 inch lines: 1 hydrant or fire appliance.
- 8 inch lines: 2 hydrants or fire appliance.

5. Appendix B, Table B105.1 of this Code shall serve as a minimum standard for fire flow in cases where number and size are negotiable.

Section 507.5.7; add section to read as follows:

507.5.7 Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Section 509.1.1; change to read as follows:

509.1.1 Utility Identification. ~~Where required by the fire code official,~~ Gas shut-off valves, electric meters,

service switches, and other utility equipment shall be clearly and legibly marked on the interior and exterior of a building to identify the device, unit, or and space that it serves. Identification shall be in accordance with 509.1.2 and constructed of durable materials, permanently installed, made in an approved manner, readily visible and shall be maintained.

Section 509.1.2; add to read as follows:

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 6 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

Section 512; add to read as follows:

512

Automatic External Defibrillator (AED) Requirements

512.1 AEDs in new and existing buildings. AEDs will be placed in new and existing buildings, registered, and maintained in accordance with 512.3 through 512.7.

512.2 Definitions. Unless otherwise expressly stated, the following words and terms shall, for purposes of this Section 512, have the meanings set forth below:

AUTOMATED EXTERNAL DEFIBRILLATOR (AED). A heart monitor and defibrillator that meet the requirements of the Texas Health and Safety Code and applicable federal law.

AED OWNER. A person or entity that owns or possesses an Automatic External Defibrillator. Vendors or dealers that own or possess AEDs solely for resale are not included as owners for the purposes of this Ordinance

512.3 Places Required. An AED shall be placed in the following occupancies:

1. Group A "Assembly" buildings with an occupancy load of 300 persons or more;
2. In all other occupancies with an occupancy load of 200 or more.

EXCEPTION: Parking Garages

512.3.1 Prior to construction. An AED must be on-site and personnel must be trained on the use of the AED prior to any work beginning on a permitted construction or development site that when completed would require an AED in accordance with 512.3.

512.4 Location. AEDs shall be located in buildings to optimally achieve a three (3) minute response time to the person in need of emergency care using the AED. To achieve this separation, the first unit shall be placed in the following locations and other units placed accordingly to meet the intent of the public:

1. One AED shall be placed at the main entrance of every floor of the building.
2. AEDs shall be located on each floor such that the maximum travel distance from the most remote point on a floor to any AED shall not exceed 300 feet.
3. AEDs shall be located on each floor such that the maximum travel distance between any two AEDs shall not exceed 600 feet.

512.5 Placement. AEDs shall be conspicuously placed and readily available in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above the floor level.

512.6 AED sales. All persons selling an AED with The City, or which may reasonably be anticipated to be used within The City, shall meet the requirements of 512.6.1 through 512.6.2.

512.6.1 Sale notification. Report the sale of the AED to the fire department Emergency Medical Systems Coordinator on the form, or in the manner, prescribed by the fire chief. The information to be reported shall include:

1. The date of the sale;
2. The manufacturer, model, and serial number of the AED sold;
3. The name and address of the seller;
4. The name and address of the purchaser;
5. Whether the AED sold is new or previously used;
6. If known, the location where the AED is to be placed.

512.6.2 Transfer of Ownership. The purchaser is required to provide proof that it has or will have complied with the requirements of this ordinance at the time of transfer of the AED to the purchaser for deployment and use by the purchaser.

512.7 Duties of AED Owner. Any person or entity who presently owns or acquires an AED on or after the effective date of this ordinance, other than vendors or dealers of AEDs owning or possessing AEDs solely for resale purposes, shall meet the requirements of 512.7.1 through 512.7.4.

512.2.1 Registration. Register the AED with the fire department Emergency Medical System Coordinator on the form, or in the manner, prescribed by the fire chief. The registration shall include information about AED location, and the names of all persons expected to operate the AED and the dates of training.

512.2.2 Inspection and maintenance. Inspect, test, store, maintain and service the AED in accordance with all federal and state laws and regulations, and in accordance with any standards established by the AED manufacturer. Documentation shall be maintained by the owner for the past 3 years of the unit being in service.

512.2.3 Notification of use. Notify the fire department as soon as possible, but in no event any later than 24 hours following any use of the AED (excluding hospitals or other end-care facilities), and provide the fire department with information relevant to the incident, including but not limited to the date, time and location of use, name of person the AED was used upon, the printout from the AED, and the nature of other emergency response to the incident, including the name and address of any hospital, clinic or medical provider to which the person was transported following the AED use; and

512.2.4 Training unit. Any AED possessed and used solely for demonstration or training purposes, and which would not be operational in an actual emergency use situation, shall be exempt from the registration requirements of this section. Any such AED shall be clearly marked on its exterior and readily identifiable as not appropriate for emergency use.

Section 605.4 through 605.4.2.2 ; change to read as follows:

605.4 Fuel oil storage systems. Fuel oil storage systems for building heating systems shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the *International Mechanical Code* and Chapter 57.

605.4.1 Fuel oil storage in outside, above-ground tanks. Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498 L) shall comply with NFPA 31 and Chapter 57.

605.4.1.1 Approval. Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL 2085, and also listed as double-wall/secondary containment tanks.

605.4.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 ~~or~~ and Chapter 57.

605.4.2.1 Approval. Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

605.4.2.2 Quantity limits. One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids.
2. 1,320 gallons (4996 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000 gallons (11 356 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

Section 807.5.2.2 and 807.5.2.3 applicable to Group E occupancies; change to read as follows:

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.2.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Section 807.5.5.2 and 807.5.5.3 applicable to Group I-4 occupancies; change to read as follows:

807.5.5.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.5.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Section 901.4.8; add 901.4.8 to read as follows:

901.4.8 Wall Mounted Document Box. A wall mounted document box shall be placed in all fire sprinkler riser rooms or at any fire alarm control unit. Documents stored in this box shall include building floor plans, alarm plans, sprinkler plans and any other documents required by the fire code official.

Sections 901.6.4 and 901.6.4.1; add Sections 901.6.4 and 906.46.4.1 to read as follows:

901.6.4 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

901.6.4.1 Penalty. The owner, manager, or responsible party of an occupancy in which the fire alarm system signals or transmits more than three false alarms, as the result of mechanical, electrical, or component failure within the alarm system, in any rolling 12-month period, shall be fined as follows for subsequent false or nuisance alarms beyond the third false or nuisance alarm in the rolling 12-month period:

- a. Fourth false or nuisance alarm shall be fined \$500
- b. Fifth false or nuisance alarm shall be fined \$1,000
- c. Sixth and all subsequent false or nuisance alarms shall be fined \$1,500

False alarms as the result of weather-related activation or false alarms caused by the initiation of the alarm system by the activation of a manual pull station, or activated by person(s) tampering with a detection or signaling device or component of the alarm system, shall not be subject to penalty.

Section 903.1.2; add section to read as follows:

903.1.2 Residential systems. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D and NFPA 13R shall not be recognized for the purposes of exceptions or reductions, commonly referred to as "trade-offs", permitted by other requirements of this code or other codes.

Section 903.2.1 through 903.2.9.4; amend 903.2.1 through 903.2.9.4 to read as follows:

903.2.1 Group A. An automatic sprinkler system in accordance with Section 903.3.1 shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section.

903.2.1.1 Group A-1. [Paragraph remains unchanged]

1. The fire area exceeds 12,000 5,000 square feet
2. *Unchanged*
3. *Unchanged*
4. *Unchanged*

903.2.1.2 Group A-2. [Paragraph remains unchanged.]

1. The fire area exceeds 5,000 square feet (464.5 m²) or is greater than one story in height;
2. *Unchanged*
3. *Unchanged*

903.2.1.3 Group A-3. [Paragraph remains unchanged.]

1. The fire area exceeds ~~12,000 square feet (1115 m²)~~ 5,000 square feet (464.5 m²) or is greater than two stories in height;
2. *Unchanged*

3. *Unchanged*

903.2.1.4 Group A-4. [Paragraph remains unchanged.]

1. The fire area exceeds 12,000 square feet (1115 m²) 5,000 square feet (464.5 m²) or is greater than two stories in height.
2. *Unchanged*
3. *Unchanged*

903.2.3 Group E. An automatic sprinkler system shall be provided throughout buildings containing a for-Group E fire area that exceeds 5,000 square feet (465 m²).occupancies as follows.

1. ~~—Delete~~
2. ~~—Delete~~

Exception: *[Exception deleted.]*

903.2.4 Group F-1. An automatic sprinkler system in accordance with Section 903.3.1 shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists the fire area exceeds 5,000 square feet (464.5m²).

1. ~~—Delete~~
2. ~~—Delete~~
3. ~~—Delete~~
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232m²)

903.2.6 Group I. An automatic sprinkler system in accordance with Section 903.3.1.1, shall be provided throughout buildings with a Group I fire area.

Exceptions: *[Exceptions deleted.]*

903.2.7 Group M. An automatic sprinkler system in accordance with Section 903.3.1.1 shall be provided throughout buildings containing a Group M occupancy ~~where one of the following conditions exists: where the Group M fire area exceeds 5,000 square feet (465 m²).~~ A Group M Occupancy used for the display and sale of upholstered furniture must have an automatic sprinkler system installed regardless of square footage.

1. ~~—Delete~~
2. ~~—Delete~~
3. ~~—Delete~~
4. ~~—Delete~~

903.2.9 Group S-1. An automatic sprinkler system in accordance with Section 903.3.1.1, shall be provided throughout all buildings containing a Group S-1 occupancy. ~~occupancy where one of the following conditions exists:~~

1. ~~—Delete~~
2. ~~—Delete~~
3. ~~—Delete~~
4. ~~—Delete~~

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the International Building Code. ~~-as shown:~~

1. ~~—Delete~~

2. — Delete
3. — Delete
4. — Delete

903.2.9.4 Group S-1 Upholstered furniture and mattresses- *[Delete this section]*

Section 903.2.9.5; add section to read as follows:

903.2.9.5 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Section 903.2.10; amend to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the International Building Code whether either of the following conditions exist:

1. Where the fire area of the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, exceeds 12,000 square feet (1115 m²) 5,000 square feet (1115 m²);
or
1. Where the enclosed parking garage is located beneath and/or attached to other occupancy groups. Attached is defined as less than 10 feet of fire separation distance as defined in the IBC.

Exception: *[Exception deleted.]*

2. Where the open parking garage, in accordance with Section 406.5 of the International Building Code, exceeds 48,000 square feet (4460m²) is located beneath and/or attached to other occupancy groups. Minimum sprinkler protection must be provided at the level of the attached protected occupancy use and below. Attached is defined as less than 10 feet of fire separation distance as defined in the IBC

Section 903.2.10.1 - Remains Unchanged

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7as follows:

903.2.11 Specific building areas and hazards. In all occupancies ~~other than Group U,~~ an automatic sprinkler system shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.6.

903.2.11.3 Buildings ~~55-35 feet or more in height.~~ An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more~~ located ~~55~~ 35 feet (10 668 mm) or more above the lowest level of Fire Department vehicle access, measured to the finished floor.

Exceptions:

1. **Delete**

903.2.11.7 Spray booths and rooms. New spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section 903.2.14; add Section 903.2.14 and 903.2.14.1 to read as follows:

903.2.14 Buildings Over 5,000 square feet. Buildings Over 5,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 5,000 sq. ft. or greater or is two stories or greater in height and in all existing buildings that are enlarged to be 5,000 sq. ft. or greater or greater than two stories in height. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the *International Building Code* where all of the following conditions apply:

- a. The structure is freestanding.
- b. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms, elevators or spaces used or occupied for anything other than motor vehicle parking.
- c. The structure does not exceed 3 stories.
- d. An approved fire apparatus access road is provided around the entire structure.

903.2.14.1 Existing buildings. Automatic sprinkler systems shall be installed:

1. In existing buildings when additions are made that increase the gross floor area to 5,000 square or greater and/or greater than two stories in height.
2. In existing buildings with a gross floor area greater than 5,000 square feet when any alteration is made affecting 30 percent or more of the building.

Section 903.3.1.1.2; delete entire section

Section 903.3.1.2.1; Amend to read as follows:

Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units. ~~where either of the following conditions exist:~~

1. {Delete}
2. {Delete}

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25mm) to 6 inches (152mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.1.2.2; amend 903.3.1.2.2 to read as follows:

Sprinkler protection shall be provided in all corridors and for all balconies. ~~in the means of egress, where any of the following conditions apply:~~

1. {delete}
2. {delete}
3. {delete}
4. {delete}
5. {delete}

Section 903.3.1.2.3; delete section and replace as follows:

Section 903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in combustible attic spaces, combustible concealed spaces and attached garages.

Section 903.3.1.3; amend to

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.1.4; add to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in accordance with the supply requirements of the respective standard; however, every water-based fire protection system shall be designed with a 10psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4.2; amend to read as follows:

An approved audible horn/strobe notification appliance with a minimum 75 candela strobe rating, emitting white light, shall be located on the exterior of the building, in an approved location, at the fire sprinkler riser room and shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

At each fire department connection for the automatic sprinkler system a strobe notification appliance with a minimum of 75 candela strobe rating, emitting blue light, shall be located at the fire departments connection or on the building, in a location approved by the fire code official, as close to the remote FDC as possible and shall be connected to each automatic sprinkler system. Such alarm devices shall be activated by the automatic fire alarm system.

Section 905.3.9; add to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I standpipes shall be provided.

Section 905.4; change Items 1, 3, and 5, and add Item 7 and 8 to read as follows:

1. In every required interior-exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
Exception: {No change.}
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.
Exception: Where floor areas adjacent to an exit passageway are reachable from an interior exit stairway hose connection by a {remainder of text unchanged}
4. {No change.}
5. Where the roof has a slope less than 4 units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a-hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.
8. Where a standpipe is required, and the standpipe is not located in an exit stairway, a blue strobe notification appliance with a minimum 75 candela strobe rating shall be installed on the wall, not less than 80 inches or more than 96 inches from the floor, directly above the standpipe connection or the cabinet containing the standpipe connection. The blue strobe notification appliance must activate when the fire alarm system activates.

Section 905.8; change to read as follows:

905.8 Dry standpipes. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low Supervisory alarm.

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906.1(1); delete Exception 3 as follows:

- ~~3. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:
 - 3.1. Use of vehicle-mounted extinguishers shall be approved by the fire code official.
 - 3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.
 - 3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.~~

- ~~3.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.~~
~~3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.~~

Section 907.1.4; add to read as follows:

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies ~~where the~~ having an occupant load ~~due to the assembly occupancy is of~~ 300 or more persons, or where the Group A occupant load is more than 100 persons above or below the *lowest level of exit discharge*. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

907.2.10 Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public-and self-storage occupancies ~~three~~ two stories or greater in height for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Section 907.6.1.1; add to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.3; delete all four Exceptions.

Section 907.6.6; delete Exception 3. Remainder unchanged.

Section 912.2.3; add to read as follows:

912.2.1 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

912.2.1.2 Fire apparatus access roadway distance. An approved fire apparatus access roadway shall be provided within 50 feet of the fire department connection as the fire hose lays along an unobstructed path.

Section 912.8; add to read as follows:

912.8 Fire Department connection caps. All fire department connections (FDC) shall be Knox Locking Caps to prevent vandalism and tampering.

Section 914.3.1.2; amend to read:

914.3.1.2 Water Supply to required Fire Pumps. In buildings that are more than 420 55 feet in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception.}

Section 1103.7.7; add to read as follows:

1103.7.7 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building area or number of devices of the fire alarm system remodeled or expanded exceeds 30% of the building. If initiated after the date of the original fire alarm panel installation and when the cumulative building area or number of devices of the fire alarm system remodeled or expanded exceeds 50% the fire alarm system must comply within 18 months of permit application.

1103.7.7.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

Section 1203; change and add to read as follows:

1203.1.1 through 1203.1.9 {No change.}

1203.1.10 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

1203.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.14 or elsewhere identified in this code or any other referenced code.

1203.2.1 through 1203.2.3 {No change.}

1203.2.4 Emergency Voice/alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2

Group A Occupancies, Sections 907.2.1 and 907.5.2.2

Special Amusement Areas, Section 907.2.12 and 914.7

High-rise Buildings, Section 907.2.13 and 914.3

Atriums, Section 907.2.14 and 914.4

Deep Underground Buildings, Section 907.2.19 and 914.5

1203.2.5 through 1203.2.14 {No change.}

1203.2.15 Means of Egress Illumination. Emergency power shall be provided for *means of egress* illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

1203.2.16 Membrane Structures. Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the *International Building Code*. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

1203.2.17 {No change.}

1203.2.18 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, *International Building Code*, Section 402.7

Atriums, *International Building Code*, Section 404.7

Underground Buildings, *International Building Code*, Section 405.8

Group I-3, *International Building Code*, Section 408.4.2

Stages, *International Building Code*, Section 410

Special Amusement Areas, *International Building Code*, Section 411

Smoke Protected Seating, Section 1030.6.2

1203.2.19 {No change.}

1203.2.20 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.

1203.2.21 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

1203.2.22 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.7.2.

1203.2.23 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

1203.2.24 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, exception 2.3.

1203.2.25 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the *International Mechanical Code*, Section 504.11, Item 7.

1203.2.26 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

1203.3 through 1203.6 {No change.}

Section 3311.1; change to read as follows:

Section 3311.1 Required access. Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided to within ~~100~~ 50 feet (30-480 15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Section 3312.1.1; add to read as follows:

Section 3312.1.1 Stairway floor number sign. Temporary stairway floor number signs shall be provided. The sign shall be a minimum size of 18 inches by 12 inches. The number designating the floor level shall be a minimum of 5 inches in height and located in the center of the sign. The floor level number shall be of a contrasting color to the sign. The sign shall be located 5 feet above the floor landing in a position that is readily visible when the doors are in the open and closed positions.

Section 3314.4; add to read as follows:

Section 3314.4 Required Signs. Whenever the fire department connection for the standpipe is not visible to approaching apparatus, the fire department connection shall be indicated by an approved sign.

Section 5003.3.1.5; add to read as follows:

Section 5003.3.1.5 Fees. The fees related to a hazardous material incident shall be set forth in Chapter 34 (Environment) of the City of Frisco's Code of Ordinances, as amended.

5601.1.3 Fireworks. Paragraph remains unchanged; amend Exceptions to read:

Exceptions:

1. Only when approved by the fire code official for fireworks displays is storage and handling of fireworks as allowed in accordance with Sections 5604 and 5608.
2. Delete
3. The use of fireworks for approved displays as allowed in Section 5608.
4. Delete

Section 5504.3; change to read as follows:

5504.3 Outdoor Storage. The storage of flammable cryogenic fluids in stationary containers is prohibited in all City of Frisco Zoning Districts except Industrial. The storage of flammable cryogenic fluids in Industrial Districts requires approval by the fire code official. Outdoor storage of containers shall be in accordance with Sections 5504.3.1 through 5504.3.1.2.3.

Section 5703.6; add sentence to end of paragraph to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.6.1; change to read as follows:

5704.2.9.6.1 ~~Locations where above-ground tanks are prohibited~~ Storage of Class I and Class II Liquids. The Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited must be approved by the fire code official and comply with applicable state law.

Section 5704.2.11.4; change to read as follows:

5704.2.11.4 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and 5704.2.11.4.2 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.4.2; change to read as follows:

5704.2.11.4.2 Leak Detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4.3; add to read as follows:

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and

shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Section 5706.2.4.4; amend to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. ~~The Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the International Fire Code on page xxi).~~ must be approved by the fire code official and comply with applicable state law.

Section 5707.1.1; add the following sentence:

The fire code official is authorized to impose limits upon the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.

Section 5707.3.2; change to read as follows:

5707.3.2 Training Records. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. ~~Training records of operators shall be maintained.~~ Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak or spill. Training records shall be maintained by the dispensing company and shall be made available to the fire code official upon request.

Section 5707.4; add paragraph to read as follows:

The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled. Motor vehicle tanks shall not be topped off. Dispensing of Class I, II, and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental, or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 5707.6 through 5707.6.6. Mobile fueling shall be conducted for fleet fueling or employee vehicles and is prohibited for the general public. Mobile fueling sites are limited to locations not primarily intended for use by the public.

Appendix C Fire Hydrant Locations and Distribution amendments

Section C101.1; amend to read as follows:

C101.1 Scope. In addition to the requirements of Section 507.5.1, the fire code official, at their discretion, may allow fire hydrants shall to be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

Section C103.1; amend to read as follows:

Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provide one or more fire hydrants as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3 Section 507.5.1. Table C102.1 may be used as a guideline at the discretion of the fire code official.

Section C103.2; delete section

Section C103.3; amend to read as follows:

The maximum spacing between fire hydrants shall be in accordance with Section 507.5.1.

Appendix D Fire Apparatus Access Roads amendments

Section D102.1; change to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing up to ~~75,000~~ 85,000 pounds (~~34 050~~ 38 556 kg).

Section D103.2; change to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed ~~10~~ 6 percent in grade.

Exception: Grades steeper than ~~10~~ 6 percent as approved by the fire code official.

Section D103.3; change to read as follows:

D103.3 Turning Radius. The minimum turning radius shall be in accordance with Section 503.2.4.

Section D103.4; change to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20 <u>24</u>	None required
151–500	20 <u>24</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

Section D103.5; change Item 1 to read as follows:

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than ~~20~~ 24 feet (~~6096~~ 7315.2 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).

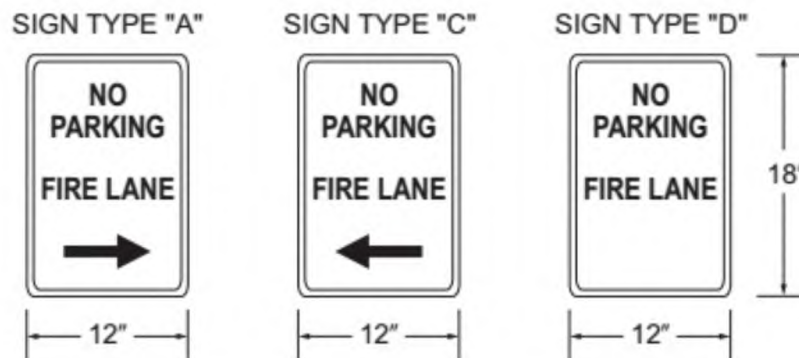
Section D103.6; change to read as follows:

D103.6 Signs-Marking. Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Striping shall be approved by the fire code official and shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING”.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high (See Figure D103.6). Signs shall have red letters on a white reflective background, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

~~Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent “NO PARKING—FIRE LANE” signs complying with Figure D103.6, or other approved method. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.~~



**FIGURE D103.6
FIRE LANE SIGNS**

Section D103.6.1 and D103.6.2; delete sections as follows:

D103.6.1 Roads 20 to 26 feet in width. ~~Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).~~

D103.6.2 Roads more than 26 feet in width. ~~Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).~~

Section D104.2; delete Exception

~~Exception: Projects or facilities having a gross building area of up to 124,000 square feet (11 520m²) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler system.~~

Section D104.3; change to read as follows:

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Section D105.3; change to read as follows:

D105.3 Proximity to building. Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Section D106.1; change to read as follows:

D106.1 Projects having more than 400 50 dwelling units. Multiple-family residential dwelling projects having more than ~~400~~ 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: {Delete}

Section D106.2; delete section.

Section D106.3; change to read as follows:

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Section D107.2; change to read as follows:

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Section H100; add the following:

Section H100 Requirements.

H100.1 General. Appendix H shall be used as the minimum required information and format provided to the fire department to meet the requirements of providing a Hazardous Materials Management Plan (HMMP) and/or Hazardous Materials Inventory Statement (HMIS).

H100.2 Submission form. Unless otherwise approved by the fire code official, HMMP and/or HMIS submissions will be provided in electronic form, in formats in use by Frisco at the time of the submission. The fire code official can provide the formats required.

Exception: If, in the opinion of the fire code official, it is a burden on the applicant to provide electronic submissions, the fire code official is authorized to accept the submission in another approved form.

Section L101.1; change to read as follows:

L101.1 Required Installations. A firefighter air replenishment system (FARS) shall be required in new buildings where one of the following criteria is met:

- a. Buildings exceeding 5 stories in height or a normally occupied level greater than 55 feet above the fire apparatus access road.
- b. Building 2 stories or greater or more than 30 feet below grade

Section L104.13.1; add #3 to read as follows:

L104.13.1 Location. Paragraph remains unchanged

- 3. Fill stations must be externally identified as required by the Fire Code Official. A fire department connection panel on the exterior of the building must be externally identified as required by the Fire Code Official.

Section L104.14.1; replace to read as follows:

L104.14.1 Location. The location of the external mobile air connection shall be accessible to mobile air apparatus, approved by the fire code official and shall be located with approved separation from the Fire Department Connection (FDC) to allow functionality of both devices by first responders; shall be visible from and within 50 ft. of a fire apparatus access road along an unobstructed path; and shall be located in an approved signed, secured cabinet.

5706.3 Well drilling and operating.-[Paragraph deleted.] Section 5706.3.1-5706.3.8 is amended to read as follows:

5706.3 Oil and gas drilling regulations. Wells for oil and natural gas shall be drilled and operated in accordance with Sections 5706.3.1 through 5706.3.15.

5706.3.1 Purpose. The exploration, development drilling and production of oil, gas, minerals and otherwise in Frisco is an activity that necessitates reasonable regulation to ensure that all property owners have the right to peaceably enjoy their property and its benefits and revenues. It is hereby declared to be the purpose of this section to establish reasonable and uniform limitations, safeguards and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting and storing of oil and gas and other substances produced in association with oil and gas within the corporate limits of Frisco and to the extent allowed or may be allowed by state law, Frisco's extraterritorial jurisdiction ("ETJ") or portions thereof, to protect the health, safety and general welfare of the public; protect the quality of the natural and built environment; accomplish the orderly and practical production of available mineral, oil and gas resources; and minimize the potential impact to property and mineral rights owners.

5706.3.2 Definitions. Unless otherwise expressly stated, the following words and terms shall, for purposes of this subsection 5706.3, have the meanings set forth below:

Abandonment. As used herein shall have the same meaning ascribed to it by the Commission and includes the plugging of the well and the restoration of any well site as required by this section.

Blowout preventer. A mechanical, hydraulic, pneumatic or other device or combination of such devices secured to the top of a well casing, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

Building. Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Cathodic protection. An electrochemical corrosion control technique accomplished by applying a direct current to the structure that causes the structure potential to change from the corrosion potential to a protective potential in the immunity region. The required cathodic protection current is supplied by sacrificial anode materials or by an impressed current system.

City Attorney. The City Attorney of Frisco.

City Code. The Code of Ordinances of Frisco.

Commission. The Texas Railroad Commission.

Completion of drilling, re-drilling and/or re-working. The date the work is completed for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

Derrick. Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil and/or gas.

Drilling. Digging or boring a new well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons, or for the purpose of injecting oil, gas, water or any other fluid or substance into the earth.

Drilling equipment. The derrick, together with all parts of and appurtenances to such structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

Drill site. The premises used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated operation.

Exploration. Geologic or geophysical activities, including seismic surveys, related to the search for oil and/or gas or other subsurface hydrocarbons.

Fire Department. The Frisco Fire Department.

Floodplain. Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year flood plain, as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

FRISCO. The City of Frisco, Texas.

Gas. Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

Gas well. The area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of natural gas, or a well classified as a gas well under the laws of this state. Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

Oil well. The area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil, or a well classified as an oil well under the laws of this state. Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

Operation site. The area used for development and production and all operational activities associated with oil and gas after drilling activities are complete.

Operator. For each well, the person listed on Commission Form W-1 or P-4 for an oil and gas well that is, or will be, actually in charge and in control of drilling, maintaining, operating, pumping or controlling any well, including, without limitation, a unit operator. If the operator, as herein defined, is not the lessee under an oil and gas lease of any premises affected by the provisions of this section, then such lessee shall also be deemed to be an operator. In the event that there is no oil and gas lease relating to any premises affected by this section, the owner of the fee mineral estate in the premises shall be deemed an operator.

Permit. Any written license granted by Frisco for the exploration, development and production of oil and/or gas wells issued pursuant to the rules and regulations of this section.

Person. Both the singular and the plural and means a natural person, a corporation, association, entity, guardian, partnership, receiver, trustee, administrator, executor, fiduciary or representative of any kind.

Practicable. Available and capable of being done after taking into consideration existing technology, cost and logistics in light of the overall purpose of the activity.

Re-drill. Re-completion of an existing well by deepening or sidetrack operations extending more than 150 feet from the existing well bore.

Re-working. Re-completion or re-entry of existing well within the existing bore hole or by deepening or sidetrack operations which do not extend more than 150 feet from the existing well bore, or replacement of well liners or casings.

Right-of-way. Public rights-of-way including streets, easements and other property that is dedicated to the use and benefit of the public.

Street. Any dedicated public thoroughfare that affords a means of access to abutting property.

Tank. A container, covered or uncovered, used in conjunction with the drilling or production of oil and/or gas or other hydrocarbons for holding or storing fluids.

Technical advisor. Such person(s) familiar with and educated in the oil and gas industry or the law as it relates to oil and gas matters who may be retained from time to time by Frisco.

Well. A hole or holes, bore or bores, to any horizon, formation or strata for the purpose of producing oil, gas, liquid hydrocarbon, brine water or sulphur water, or for use as an injection well for secondary recovery, disposal or production of oil, gas or other hydrocarbons from the earth or a classified as a well under the laws of this state. Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

All technical industry words or phrases related to the drilling and production of oil and gas wells not specifically defined in this section shall have the meanings customarily attributable thereto by prudent and reasonable oil and gas industry operators.

5706.3.3 Oversight.

5706.3.3.1 The fire code official, or his/her designee, shall be designated as the Oil and Gas Inspector ("Inspector") to enforce, directly or through additional appointed staff, the provisions of this section. The Inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this section and its particular provisions. Failure of any person to comply with any such order or directive shall constitute a violation of this section.

5706.3.3.2 The Inspector shall have permitted and unlimited access to enter and inspect any premises covered by the provisions of this section to determine compliance with the provisions of this section and all applicable laws, rules, regulations, standards or directives of this state. Failure of any person to permit access to the Inspector shall constitute a violation of this section.

5706.3.3.3 The Inspector shall photograph the proposed drilling site, leased property and adjacent roads, alleys, public utilities and right-of-ways prior to any drilling, onsite activity or disturbance of the land.

5706.3.3.4 The Inspector shall conduct periodic inspections at least once per year of all wells covered by the provisions of this section to determine that the wells are operating in accordance with proper safety parameters as set out in this section and all regulations of the Commission.

5706.3.3.5 The Inspector shall have the authority to request and receive any records, including, without limitation, any records sent to the Commission, logs, reports and the like, relating to the status or condition of any permitted well. Failure of any person to provide any such requested materials shall be deemed a violation of this section.

5706.3.3.6 Frisco may, from time-to-time, employ a technical advisor or advisors who are experienced and educated in the oil and gas industry or the law as it pertains to oil and gas matters. The function of such advisor(s) shall be to advise, counsel and/or represent Frisco on such matters relating to oil and gas operations within Frisco or its ETJ, as Frisco may want or require and the effect thereof, both present and future, on the health, welfare, comfort and safety of the citizens of Frisco. In the event such technical advisor(s) is employed for the purpose of advising, counseling and/or representing Frisco relative to an operator's unique and particular set of circumstances, case or request relating to this section, then the cost for fees or charges assessed pursuant to this section shall be borne entirely by the operator. Prior to the employment of a technical advisor, Frisco shall inform the operator of the intended scope of work and the estimated costs and expenses. The employment of a technical advisor shall be approved by the Frisco City Council.

5706.3.3.7 In order to hear and decide appeals of orders, decisions or determinations made by the Inspector relative to the application and interpretation of this section, the Frisco Planning and Zoning Commission is hereby appointed as the Oil and Gas Board of Appeals, referred to herein as the "Board". The Board shall have and exercise the authority to hear and determine appeals where it is alleged there is error or abuse of discretion regarding the issuance of a permit or the revocation or suspension of any permit issued hereunder, and as provided by this section. The Board does not have the authority to grant a use that is either prohibited or denied.

5706.3.3.8 If an operator (or its officers, employees, agents, contractors or representatives) fails to comply with any requirement of a permit (including any requirement incorporated by reference as part of the permit), the Inspector shall give written notice to the operator specifying the nature of the failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the failure, the extent of the efforts required to cure and the potential impact on the health, safety and welfare of the community and potential negative impacts upon the surrounding environment. In no event, however, shall the cure period take more than 30 calendar days. An immediate response to cure shall take place if the failure presents a risk of imminent destruction of property or injury to persons.

5706.3.3.9 If the operator fails to correct the noncompliance within 30 days from the date of the notice, the Inspector may suspend or revoke the permit pursuant to the provisions of this section.

5706.3.3.10 No person shall carry on any operations performed under the terms of the permit issued under this section during any period of any permit suspension or revocation or pending a review of the decision or order of Frisco in suspending or revoking the permit. Nothing contained herein shall be construed to prevent the necessary, diligent and bona fide efforts to cure and remedy the default or violation for which the suspension or revocation of the permit was ordered for the safety of persons or as required by the Commission.

5706.3.3.11 If the operator does not cure the noncompliance within the time specified in this section, the Inspector, upon written notice to the operator, may notify the Commission and request that the Commission take any appropriate action.

5706.3.3.12 An operator may file an appeal to the Board within 30 days of the suspension.

5706.3.3.13 If an application for a permit is denied by the Inspector, nothing herein contained shall prevent a new permit application from being submitted to the Inspector for the same well.

5706.3.3.14 The operator shall notify the Inspector of any changes to the following information within 7 business days after the change occurs:

- The name, address and phone number of the operator;
- The name, address and phone number of the person designated to receive notices from Frisco (which person must be a resident of Texas that can be served in person or by registered or certified mail); and
- The operator's emergency action response plan (including "drive-to-maps" from public rights-of-way to each drill site).

5706.3.3.15 The operator shall notify the Inspector of any change to the name, address and 24-hour phone number of the person(s) with supervisory authority over drilling or operations activities within one 1 business day.

5706.3.3.16 Permits may not be transferred from one operator to another without prior approval from Frisco. In order to transfer a permit to a new operator, Frisco must be supplied with all appropriate fees, as well as, the transfer of operator forms as supplied to the Commission and new insurance certificates.

5706.3.3.17 The operator shall immediately notify the Inspector of any incident resulting in product loss from a hydrocarbon storage facility or pipeline facility, blowout, fire, explosion, incident resulting in injury, death or property damage or any other significant incidents as defined by the Commission.

5706.3.3.18 A written report, containing a brief summary of the incident, shall be submitted by the operator to the Inspector by 5:00 p.m. on the first business day following the incident.

5706.3.3.19 A follow-up report shall be submitted by the operator to the Inspector within 30 days following the incident. The operator responsible for the follow-up incident report shall include the following information and comply with the following requirements:

- operator/applicant name, phone number, address and, if possible, email address;
- description of the incident, including, but not limited to, the time, date, location and cause of the event;

- duration of the incident, that is, when it began and when it terminated to the degree that it no longer constituted a hazard to the health, safety and welfare of persons or property, regardless of the distance or separation from the place of incident;
- how the incident was brought under control and/or remedied;
- a full and complete description of the type of intercompany investigation or other investigation or inquiry that was made concerning the incident, the findings or results of such inquiry or investigation, and the action taken as a result of the findings and inquiry concerning the prevention of the existence of future hazards; and
- signed and dated by the person responsible for such report.

5706.3.3.20 The operator shall provide a copy of any “incident reports”, citations or written complaints submitted to the Commission within 30 days after the operator has notice of the existence of such reports citations or complaints. This shall include, but not limited to, notification of any reportable quantity releases of oil, natural gas and/or associated minerals, chemicals or solid and/or liquid wastes pursuant to regulatory requirements established by the Commission, and notification to the Inspector of any fire and/or equipment strikes by lightning.

5706.3.3.21 Any person who intends to re-work a permitted well using a drilling rig, or fracture stimulate a permitted well shall give written notice to the Inspector no less than 48 hours before the activities begin. The notice must identify where the activities will be conducted and must describe the activities in detail, including whether perforating devices will be used, the duration of the activities and the time the activities will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. The person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address and 24-hour phone number of the person conducting the activities.

5706.3.3.22 Beginning on December 31 after each well is completed, and continuing on each December 31 thereafter until the operator notifies the Inspector that the well has been abandoned and the site restored, the operator shall submit a written report to the Inspector identifying any changes to the information that was included in the application for the applicable permit that have not been previously reported to Frisco.

5706.3.3.23 The Inspector may, in his/her sole discretion, require the well operator to perform a soil contamination assessment paid for by the operator within 30 days once drilling operations have been completed.

5706.3.4 Permitting.

5706.3.4.1 A person desiring to engage and/or operate in oil and/or gas production activities shall apply for and obtain a permit under this section. It shall be unlawful for any person acting either for himself or as an agent, employee, representative, independent contractor, or servant for any person to drill any well, assist in any way in the site preparation, re-working, drilling, re-drilling, deepening, re-entering, activating, converting, operation, construction of rigs or tank batteries, fracturing and pressurizing or conduct any activity related to the production of oil and/or gas without first obtaining a permit issued by Frisco in accordance with this section.

5706.3.4.2 A permit shall constitute the authority for drilling, activating, operation, construction of rigs or tank batteries, stimulation, fracturing, pressurizing, production enhancement, production gathering or production maintenance, repair, re-working, testing, plugging and abandonment and/or any other activity associated with mineral exploration at the site of the well identified in the permit. A separate permit is required for each well.

5706.3.4.3 An operator shall obtain a new permit in accordance with the provisions of this section if the operator is re-entering and drilling an abandoned well.

5706.3.4.4 An operator shall obtain a new permit in accordance with the provisions of this section for the purpose of re-drilling, deepening or converting to a depth or use other than set forth in the current permit.

5706.3.4.5 A permit is not required for seismic surveys. The operator conducting the seismic survey, however, shall provide notice to the Inspector no less than 24 hours prior to the commencement of any seismic survey activities on site and therein shall provide the following information:

- operator/applicant name, phone number, address and, if possible, email address; if the operator is a corporation, the state of incorporation and if the operator is a partnership, the names and addresses of the general partners shall be provided;
- location of seismic survey;
- date and time the seismic survey will be conducted;
- detailed explanation of the seismic survey method to be used on site; and
- date and time the seismic survey will be completed.

5706.3.4.6 Notice to the Inspector of a seismic survey only provides Frisco with fair notice that a seismic survey will be performed and shall not constitute fair notice that drilling or other oil and/or gas operations or activities will occur. A permit shall not be required to fracture stimulate a permitted well after initial completion. The operator conducting the activities shall give written notice to the Inspector no less than 48 hours before the activities begin and therein shall provide the following information and comply with the following requirements:

- location where the activities will be conducted;
- date and time the activities will be conducted;
- description of the activities in detail;
- the duration of the activities and the time the activities will be conducted;
- the address and 24-hour phone number of the person conducting the activities; and
- the person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address and 24-hour phone number of the person conducting the activities.

5706.3.4.7 A permit shall automatically terminate if drilling is not commenced within 62 months from the date of the issuance of the permit. The Inspector may review the permit at any time in light of changing development in the area of the proposed well location and implement a termination notice which will terminate the permit if drilling is not commenced within 60 days from the date of notification.

5706.3.4.8 The permits required by this section are in addition to, and not in lieu of, any permit that may be required by any other provision of Frisco or any other governmental agency.

5706.3.4.9 No permit shall be issued for any well to be drilled that is in non-compliance with any standard, provision, procedure and/or recommendation detailed under any Frisco ordinance, as the same may exist, be amended or in the future arising.

5706.3.4.10 No permit shall be issued to any operator who is in non-compliance with any standard, provision, procedure and/or recommendation detailed under any Frisco ordinance, as the same may exist, be amended or in the future arising.

5706.3.4.11 No permit shall be issued to any operator who has not paid outstanding fees or fines owed to Frisco.

5706.3.4.12 No additional permit or filing fees shall be required for any wells existing and approved by Frisco on the effective date of this section or any wells in existence or on any wells on which drilling has commenced on land annexed into Frisco after the effective date of this section.

5706.3.4.13 By acceptance of any permit issued pursuant to this section, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this section. The terms of this section shall be deemed to be incorporated in any permit issued pursuant to this section with the same force and effect as if this section was set forth verbatim in such permit.

5706.3.5 Application.

5706.3.5.1 Every application for an oil and gas well permit issued pursuant to this section shall be in writing, signed by the operator, or some person duly authorized to sign on his or her behalf, and filed with the Inspector.

5706.3.5.2 The application shall include the following information about the project. Any expansion or change in operations will require a different permit and shall be considered a different project. An application shall not be filed with Frisco City staff, considered complete or be considered to give Frisco notice of the project to be undertaken by the applicant until all of the following information is provided to Frisco, along with any applicable fees ("complete application"):

1. the date of the application;
2. an accurate legal description of the lease property or property to be used for the oil and/or gas operation, the parcel and the production unit and name of the geologic formation as used by the Commission. Property recorded by plat should reference subdivision, block and lot numbers, as applicable;
3. proposed well name;
4. exact and correct acreage of the proposed drill site;
5. surface property owner name(s), phone number(s), address(es) and, if possible, email address(es);
6. mineral lessee name, phone number, address, and, if possible, email address;
7. mineral owner name, phone number, address and, if possible, email address;
8. operator/applicant name, phone number, address and, if possible, email address. If the operator is a corporation or other entity that is not a partnership, the state of incorporation or formation and the names and addresses of the registered agent shall be provided. If the operator is a partnership, the state of formation and the names and addresses of the general partner(s) shall be provided (if the general partner is an entity, the information required to be provided for entities shall also be provided);
9. name, phone number, address and, if possible, email address of the individual designated to receive notice in addition to the registered agent or general partner, if any;

10. name of representative with supervisory authority over all oil and/or gas operation site activities and a 24-hour phone number;
11. name, address and 24-hour phone number of the person to be notified in case of an emergency;
12. location and description of all improvements and structures within 1000 feet of the proposed drill site;
13. owner's name and address of each parcel of property within 1000 feet of the proposed drill site;
14. map identifying all fresh water wells within 1000 feet of the proposed drill site;
15. map showing proposed transportation route and road for equipment, chemicals or waste products used or produced by the oil and/or gas operation;
16. a site plan of the proposed operation site showing the location of all improvements and equipment, including the location of the proposed well and other facilities, including, but not limited to, tanks, pipelines, compressors, separators and storage tanks, as well as, details to the projected location of the major components of the drilling site, lease line and property lines, impacted vegetation, floodplains, topographic contours, creeks and other topographic features, adjacent buildings and other structures, temporary and permanent fencing and landscaping and the measured distance from the well site to these major components. In addition, the site plan must conform to all relevant standards and requirements described in Frisco's Comprehensive Zoning Ordinance, as it exists or may be amended ("CZO");
17. typical well site schematics showing layout during and upon completion of drilling;
18. a tree survey prepared pursuant to Frisco's tree preservation ordinances and requirements, including but not limited to, those located in the CZO, as each exists, may be amended, or in the future arising, in any case where trees are present within the drill site;
19. copies of all reports required by the Commission, specifically including a copy of the approved Commission Form W-1 and/or P-4;
20. a copy of the approved Commission permit to drill including attachments and survey plats that are applicable to the drill and/or operation sites;
21. a copy of the storm water pollution prevention plan as required by the Commission, TCEQ and/or the EPA;
22. a copy of the Notice of Intent filed with the EPA shall be submitted to the Inspector within 7 business days prior to the commencement of any onsite activity;
23. a copy of the determination by the TCEQ of the depth of useable quality ground water;
24. a determination, by a qualified environmental scientist qualified to delineate wetlands, of the presence or absence of jurisdictional wetlands and waters of the U.S., and an indication of the location of any jurisdictional wetlands. If waters of the U.S. or jurisdictional wetlands are impacted then a permit must be requested from the Fort Worth District, Army Corp of Engineers;
25. a signed road repair and maintenance agreement supplied by Frisco that provides that the lease holder or operator of the drilling operation shall repair, at his/her/its own expense, any damage to public roads, streets or highways, caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production and operation of oil and/or gas wells ("road maintenance agreement"); and

26. an erosion control plan that identifies and indicates the proposed methods of erosion control and complies with all local, State and Federal requirements and including the following;

26.1 a restoration plan prepared by a team of restoration professionals, to include, but not limited to, a professional engineer, hydrologist and biologist and submitted to Frisco for approval. Funds for the cost of restoration must be in escrow;

26.2 a copy of the hazardous materials management plan as required by the Fire Marshal's office. In addition to the hazardous materials management plan, all material safety data sheets (MSDSs) for all hazardous materials stored, transported and/or temporarily used on the drilling site shall be provided to the Inspector;

26.3 a copy of the emergency response plan as required by the Fire Marshal's office;

26.4 a description of public utilities required during drilling and operation;

26.5 a description of the water source to be used during drilling;

26.7 evidence of insurance and security requirements under this section;

26.8 a statement, under oath, signed by the operator, or designated representative, that the information submitted with the application is, to the best knowledge and belief of the operator or designated representative, true and correct; and

26.9 all required application and well permit fees.

The Inspector, within 30 days after receiving a complete application and remittance of all fees, insurance and security pursuant to the requirements of this section, shall review and approve or disapprove the application. Every application that is disapproved shall also be considered expired as of the date of disapproval. If an incomplete application is received by the Inspector, the Inspector shall send a notice to the applicant within 10 days of receipt thereof stating the information needed for the application to be complete and notifying the applicant that the application shall expire 45 days after the date it was filed if the information required to make it complete is not received.

5706.3.6 Amended application. Amended permits may be submitted for with proposed changes with all requirements met to be approved or disapproved within 30 days.

5706.3.7 Fracture stimulation requirements. Any person who intends to re-work a permitted well using a drilling rig to fracture stimulate a permitted well after initial completion shall give written notice to the Inspector no less than 48 hours before the activities begin. The notice must identify where the activities will be conducted and must describe the activities in detail, including whether explosive charges will be used, the duration of the activities and the time the activities will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. If requested by the Inspector, the person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address and 24-hour phone number of the person conducting the activities.

5706.3.6 Bond, letters of credit, indemnity, insurance.

5706.3.6.1 General requirements. Every operator shall be required to:

1. comply with the terms and conditions of this section and the permit issued hereunder;

2. promptly clear drill and operation-sites of all litter, trash, waste and other substances used, allowed, or occurring in the operations, and after abandonment or completion grade, level and restore such property to the same surface conditions as nearly as possible as existed before operations;

3. Indemnify and hold harmless Frisco, its City Council Members officers, agents representatives and employees from and against any and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, (including attorney's fees incurred in enforcing this indemnity) for injury to or death of any person or for damage to any property arising out of, in whole or in part, or in connection with the work done by the operator under a permit:

3.1 Where such injuries, death or damages are caused by operator's sole negligence and/or the joint negligence of operator and any other person or entity, operator's strict liability, tort or act or omission; and

3.2 Regardless of whether such injuries, death or damages are caused in whole or in part, directly or indirectly, by the negligence or willful act or omission of operator, and/or the joint negligence or willful act or omission of operator and any other person or entity.

4. promptly pay all fines, penalties and other assessments imposed due to breach of any terms of the permit; and

5. promptly restore to its former condition any public property or right-of-way damaged by the oil and/or gas operation.

5706.3.6.2 Bond, irrevocable letter of credit. Prior to the issuance of a permit the operator shall provide the Inspector with a security instrument in the form of a bond or an irrevocable letter of credit as follows:

1. Bond. A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas, acceptable to Frisco. The bond shall become effective on or before the date the permit is issued and shall remain in force and effect for at least a period of 6 months after the expiration of the permit term or until the well is plugged and abandoned and the site is restored, whichever occurs first. The operator shall be listed as principal and the instrument shall run to Frisco, as obligee, and shall be conditioned that the operator will comply with the terms and regulations of this section and Frisco. The original bond shall be submitted to the Inspector with a copy of the same provided to Frisco's City Secretary.

2. Letter of credit. A letter of credit shall be issued by a reputable bank authorized to do business in Texas and shall become effective on or before the date the permit is issued. The letter of credit shall remain in force and effect for at least a period of 6 months after the expiration of the permit term. If the letter of credit is for a time period less than the life of the well as required by this section, the operator must renew the letter of credit or replace the letter of credit with a bond, in the amount required by this section, on or before 45days prior to the expiration date of the letter of credit. If the operator fails to deliver to Frisco either the renewal letter of credit or replacement bond in the appropriate amount on or before 45 days prior to the expiration date of the letter of credit, Frisco may draw the entire face amount of the letter of credit to be held by Frisco as security for operator's performance of its obligations under this section.

Frisco shall be authorized to draw upon such letter of credit to recover any fines or penalties assessed under this section. Evidence of the execution of a letter of credit shall be submitted to the Inspector by submitting an original signed letter of credit from the banking institution, with a copy of the same provided to Frisco's City Secretary.

3. The principal amount of any security instrument shall be \$50,000.00 for any single well. If, after completion of a well, the applicant/operator, who initially posted a \$50,000.00 bond or letter of credit, has complied with all of the provisions of this section and whose well in the producing stage and all drilling operations have ceased, may submit a request to the Inspector to reduce the existing security instrument to \$10,000.00 for the remainder of the time the well produces without reworking. During reworking operations, the amount of the bond or letter of credit shall be maintained at \$50,000.00.

4. If, at any time after no less than a 15-day written notice to the operator and a public hearing, the Frisco City Council shall deem any operator's bond or letter of credit to be insufficient, it may require the operator to increase the amount of the bond or letter of credit up to a maximum of \$300,000.00 per well.

5. Whenever the Inspector finds that a default has occurred in the performance of any requirement or condition imposed by this section, written notice shall be given to the operator. Such notice shall specify the work to be done, the estimated cost and the period of time deemed by the Inspector to be reasonably necessary for the completion of such work. After receipt of such notice, the operator shall, within the time therein specified, either cause or require the work to be performed. If the operator fails to do so, it shall be required to pay to Frisco 125% of the estimated cost of doing the work as set forth in the notice. In no event, however, shall the failure present a risk of imminent destruction of property or injury to persons or involve the operator's failure to provide periodic reports as required by this section. Frisco shall be authorized to draw against any irrevocable letter of credit or bond to recover such amount due from the operator. Upon receipt of such monies, Frisco shall proceed by such mode, as it solely deems convenient, to cause the required work to be performed and completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event that a well has not been properly abandoned under the regulations of the Commission, such additional money may be required from the operator as is necessary to properly plug and abandon the well and restore the drill site in conformity with the regulations of this section.

6. In the event the operator does not cause the work to be performed and fails or refuses to pay to Frisco the estimated cost of the work to be done as set forth in the notice, or the issuer of the security instrument refuses to honor any draft by Frisco against the applicable irrevocable letter of credit or bond Frisco may proceed to obtain compliance and abate the default by, among other means available, way of civil action against the operator, criminal action against the operator and/or by both such methods.

7. When a well or wells covered by a irrevocable letter of credit or bond required herein have been properly abandoned in conformity with all regulations of this section and all regulations of the Commission and notice to that effect has been received by Frisco, or upon receipt of a satisfactory substitute, the irrevocable letter of credit or bond issued in compliance with these regulations shall be terminated and canceled.

5706.3.6.3 Insurance. In addition to the bond or letter of credit required pursuant to this section, the operator shall carry a policy or policies of insurance for each of the types of insurance listed below issued by an insurance company or companies authorized to do business in Texas. In the event such insurance policy or policies are canceled, the permit shall be suspended on such date of cancellation and the operator's right to operate under such permit shall immediately cease until the operator files additional insurance as provided herein.

1. General requirements applicable to all policies.

1.1 Frisco, its City Council Members, officials, employees, agents, representatives and officers shall be listed as additional insureds, except employer's liability coverage under the operator's workers compensation policy.

1.2 All policies shall be written on an occurrence basis except for environmental pollution liability (seepage and pollution coverage) and excess or umbrella liability, which may be on a claims-made basis.

1.3 All policies shall be written by an insurer rated at least "A" A. M. Best Key Rating Guide, other equivalent rating service(s).

1.4 Deductibles shall be listed on the certificate of insurance and shall be on a "per occurrence" basis unless otherwise stipulated herein.

1.5 Certificates of insurance shall be delivered to Frisco evidencing all the requirements listed herein, prior to the issuance of a Permit.

1.6 All policies shall be endorsed with a waiver of subrogation providing rights of recovery in favor of Frisco.

1.7 Any failure on part of Frisco to request required insurance documentation shall not constitute a waiver of the insurance requirement specified herein.

1.8 Each policy shall be endorsed to provide Frisco with a minimum 30-day written notice of cancellation, non-renewal or material change or modification in policy terms or coverage, evidenced by return receipt or United States Mail. A 10-day notice shall be acceptable in the event of non-payment of premium. The words "endeavor to" and "but failure" (to end of sentence) are to be eliminated from the Notice of Cancellation provision on standard ACORD Certificates.

1.9 During the term of the Permit, the operator shall report, in a timely manner, to the Inspector any known loss occurrence which could give rise to a liability claim or lawsuit or which could result in a property loss.

1.10 Upon request, certified copies of all insurance policies shall be furnished to Frisco.

2. Standard commercial general liability policy. This coverage must include premises, operations, blowout or explosion, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources damage, broad form property damage, independent contractor's protective liability and personal injury. This coverage shall be a minimum combined single limit of \$1,000,000.00 per occurrence location for bodily injury and property damage.

3. Excess or umbrella liability. \$5,000,000.00 excess, if the operator has a stand-alone environmental pollution liability (EPL) policy. \$10,000,000.0 excess, if the operator does not have a stand-alone EPL policy. Coverage must include an endorsement for sudden or accidental pollution. If seepage and pollution coverage is written on a "claims made" basis, the operator must maintain continuous coverage and purchase extended coverage period insurance when necessary.

4. Environmental pollution liability coverage.

4.1 Operator shall purchase and maintain in force for the duration of the permit, insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least \$1,000,000.00 per loss, with an annual aggregate of at least \$10,000,000.00.

4.2 Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.

4.3 The operator shall maintain continuous coverage and shall purchase extended coverage period insurance when necessary. The extended coverage period insurance must provide that any retroactive

date applicable to coverage under the policy precedes the effective date of the issuance of the permit by Frisco.

5. Control of well. The policy should cover the cost of controlling a well that is out of control or experiences a blowout, re-drilling or restoration expenses, seepage and pollution damage as first party recovery for the operator and related expenses, including, but not limited to, loss of equipment, experts and evacuation of residents.

5.1 \$5,000,000.00 per occurrence/no aggregate, if available, otherwise an aggregate of \$10,000,000.00.

5.2 \$500,000.00 sub-limit endorsement may be added for damage to property for which the operator has care, custody and control.

6. Workers compensation and employers liability insurance.

6.1 Workers compensation benefits shall be Texas Statutory Limits.

6.2 Employers liability shall be a minimum of \$500,000.00 per accident.

6.3 Such coverage shall include a waiver of subrogation in favor of Frisco and provide coverage in accordance with applicable state and federal laws.

7. Automobile liability insurance.

7.1 Combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage.

7.2 Coverage must include all owned, hired and not-owned automobiles.

8. Certificates of insurance.

8.1 The insurance company must be admitted or approved to do business in the State of Texas, unless the coverage is written by a surplus lines insurer.

8.2 The insurance set forth by the insurance company must be underwritten on forms that have been approved by the Texas State Board of Insurance or ISO, or an equivalent policy form acceptable to Frisco, with the exception of environmental pollution liability and control of well coverage.

8.3 Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.

8.4 Shall specifically set non-renewal forth the notice of cancellation, termination or change or medication in coverage provisions to Frisco. All policies shall be endorsed to read:

“THIS POLICY WILL NOT BE CANCELED OR NON-RENEWED, NOR ANY MATERIAL CHANGE OR MODIFICATION IN THE POLICY TERMS OR COVERAGE SHALL BE MADE WITHOUT AT LEAST 30 DAYS ADVANCED WRITTEN NOTICE TO THE OWNER AND THE CITY OF FRISCO, TEXAS, EVIDENCED BY RETURN RECEIPT OR UNITED STATES MAIL, EXCEPT WHEN THIS POLICY IS BEING CANCELED FOR NONPAYMENT OF PREMIUM, IN WHICH CASE 10 DAYS ADVANCE WRITTEN NOTICE IS REQUIRED” or equivalent.

8.5 Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

5706.3.6.4 Indemnification and express negligence provisions.

1. Each permit issued by the Inspector shall include the following language: **Operator does hereby expressly release and discharge, all claims, demands, actions, judgments, and executions which it ever had, or now has or may have, or assigns may have, or claim to have, against Frisco, and/or its departments, CITY COUNCIL MEMBERS, officials, agents, REPRESENTATIVES, officers, servants, successors, assigns, sponsors, volunteers, AND/or employees, created by or arising out of, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, personal injuries, WHETHER known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the operator under a permit. The operator shall fully defend, protect, indemnify and hold harmless Frisco, its departments, officials, agents, REPRESENTATIVES, officers, servants, employees, successors, assigns, sponsors AND volunteers from and against each and every claim, demand or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, expenses, FEES (INCLUDING ATTORNEY'S FEES AND ATTORNEY'S FEES INCURRED IN ENFORCING THIS INDEMNITY) incurred in defense of Frisco, its departments, CITY COUNCIL MEMBERS, officials, agents, REPRESENTATIVES, officers, servants AND employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by operator, its employees, contractors, representatives, suppliers, agents, assigns or any third parties on account of, arising out of or in any way incidental to or in connection with, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, the performance of the work performed by the operator under a permit. The operator agrees to indemnify and hold harmless Frisco, its departments, CITY COUNCIL MEMBERS, officials, officers, agents, REPRESENTATIVES, servants, employees, successors, assigns, sponsors AND volunteers from any liabilities or damages suffered as a result of claims, demands, costs or judgments against Frisco, its departments, officials, officers, agents, CITY COUNCIL MEMBERS, servants, REPRESENTATIVES or employees, created by or arising out of the acts or omissions of Frisco, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, occurring on the drill site or operation site in the course and scope of inspecting and permitting the oil or gas wells INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF FRISCO OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE OIL OR GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT FRISCO AND ITS DEPARTMENTS, AGENTS, REPRESENTATIVES, OFFICERS, CITY COUNCIL MEMBERS, SERVANTS EMPLOYEES AND VOLUNTEERS FROM THE CONSEQUENCES OF THE NEGLIGENCE OF FRISCO, ITS DEPARTMENTS, AGENTS, REPRESENTATIVE, OFFICERS, CITY COUNCIL MEMBERS, SERVANTS EMPLOYEES AND/OR VOLUNTEERS, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH AND/OR DAMAGE.**

5706.3.6.5 Notice. The individual designated to receive notice shall be a resident of Texas upon whom all orders and notices provided in this section may be served in person or by registered or certified mail. Every operator shall, within 10 days, notify the Inspector in writing of any change in such agent or mailing address unless operations in Frisco are discontinued and abandonment is complete.

5706.3.6.6 Acceptance and indemnity agreement. The operator who has a net worth of not less than \$25,000,000.00, as shown in such owner's or operator's most recent audited financial statements, may substitute an acceptance and indemnity agreement in lieu of the bond or irrevocable letter of credit and insurance requirements set forth in this section, provided that such acceptance and indemnity agreement shall be in a form acceptable to, and approved by, the City Attorney and the Director of Administrative Services or his/her designee of Frisco. The Inspector may request an annual review of the operator's most recent audited financial statements to assure compliance with this section.

5706.3.7 Buffering and setbacks.

5706.3.7.1 No gas well permit shall be issued for any well to be drilled within any of the right-of-way, streets or alleys of Frisco and/or projected right-of-way, streets or alleys shown by the current comprehensive plan of Frisco, and no right-of-way, street or alley shall be blocked, encumbered or closed due to any exploration, drilling or production operations unless prior consent is obtained from the Inspector. The Inspector may grant permission for a right-of-way, street or alley to be blocked, encumbered or closed that is temporary and states the hour(s) and day(s) that any right-of-way, street or alley may be blocked, encumbered or closed.

5706.3.7.2 No permit shall be issued for any well, the center of which at the surface of the ground is located within 500 feet to the closest point, calculated in a straight line, without regard to intervening structures or objects of the following:

- any building used, or designed and intended to be used, for human occupancy or for any building used, or designed and intended to be used, for human occupancy for which a building permit has been issued on or before the date the application for a drilling permit is filed with the Inspector;
- any type of surface water conveyance, including, but not limited to, creeks, streams, drainage ditches or other constructed storm water conveyance systems, calculating distance in a straight line from the conveyance centerline;
- any lease line as indicated on Commission Form W-1, or recorded property, lot or tract line;
- any existing storage tank or source of potential ignition;
- any existing or projected public street, road, highway, or right-of-way line; and
- any fresh water well.

5706.3.7.3 No permit shall be issued for any well, the center of which at the surface of the ground is located within 500 feet of public land or within public land without the prior written consent of the Frisco City Council. The Frisco City Council shall review, among other factors reasonably deemed appropriate by the Frisco City Council, the insurance and security requirements, potential environmental impacts and threats to public health and safety, on an individual basis prior to issuing the permit.

5706.3.7.4 No permit shall be issued for any well to be drilled within 500 feet of the 100-year floodplain or within the 100-year floodplain without the following:

- use of a closed-loop drilling fluid system;
- complete restoration of the entire lease or operator owned property associated with the drilling site within the 100-year floodplain, which would include an evaluation and a restoration plan prepared by a team of restoration professionals, to include but not limited to a professional engineer, hydrologist and biologist; and submitted to Frisco for approval. This report would include a list of the exotic/invasive vegetation species observed along with a map showing their locations. It would also incorporate stabilization recommendations where needed for channel or slope stabilization. The report would include a planting plan along with species recommendations for both herbaceous and woody species. The planting plan would be tailored to provide necessary erosion control and to increase the quality of the riparian habitat; and
- all land within the lease or operator owned property associated with the drilling site that is located within the 100-year floodplain shall be placed under a conservation easement following restoration.

5706.3.7.5 All tanks shall be set back pursuant to the standards of the Commission and the National Fire Protection Association, but in all cases, shall be at least 500 feet from the following:

- any building used, or designed and intended to be used, for human occupancy or for any building used, or designed and intended to be used, for human occupancy for which a building permit has been issued on or before the date the application for a drilling permit is filed with the Inspector;
- any type of surface water conveyance, including, but not limited to, creeks, streams, drainage ditches or other constructed storm water conveyance systems, calculating distance in a straight line from the conveyance centerline;
- any lease line as indicated on Commission Form W-1, or recorded property, lot or tract line;
- any existing storage tank or source of potential ignition;
- any existing or projected public street, road, highway, or right-of-way line; and
- any fresh water well.

5706.3.7.6 No development shall take place within 500 feet of the well bore prior to the completion of all abandonment procedures.

5706.3.7.7 All buffering and setbacks may be reduced at the discretion of the Board. All distance reductions shall be documented as variances to the requested permit prior to issuance.

5706.3.8 Fences and gates.

5706.3.8.1 A temporary fence and a secured entrance gate to the drill site shall be required on drill sites during initial drilling, completion or re-working operations except on those drill sites where 24-hour human supervision is present on the drill site. All gates are to be kept locked when the operator or his/her employees are not within the enclosure. So long as stability of the fence is maintained, temporary fence posts shall not be required to be set in concrete.

5706.3.8.2 Within 30 days (i) after production has been established, or (ii) after the well has been completed as a producing well but no actual production commences, all operation sites shall be completely enclosed by a permanent chain link fence or other approved fencing material according to the requirements of the requested permit as follows:

- the fence fabric shall be at least 8 feet in height, but no more than 10 feet;
- support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
- the chain link fabric shall be galvanized steel wire with a minimum plating of one and two-tenths (1.2) ounces of zinc per square foot of surface area or shall be coated with vinyl or plastic material approved by the Inspector;
- the chain link fence fabric shall have a minimum thickness of 11 gauge;
- the chain link fabric shall be 2 inch mesh; provided, however, 3½ inch mesh may be used on any fence where the fabric is interwoven with artificial screening materials approved by the Inspector;
- posts and rails shall be standard galvanized, welded pipe, schedule 40 or thicker; provided, however, that nongalvanized drill pipe may be used if it exceeds schedule 40 in thickness;

- all pipe and other ferrous parts, except chain link fabric and drill pipe, shall be galvanized inside and outside with a plating which contains a minimum of one and two-tenths (1.2) ounces of zinc per square foot of surface area; and
- tension rods shall be 3/8 inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a 6 inch minimum take-up. Tension bars shall have minimum thickness of 1/4 by 3/4 inch.

5706.3.8.3 All chain link fences shall be equipped with at least 1 gate. The gate shall meet the following specifications:

- each gate shall be not less than 12 feet wide and be composed of 2 gates, each of which is not less than 6 feet wide, or 1 sliding gate not less than 12 feet wide. If 2 gates are used, gates shall latch and lock in the center of the span;
- the gates shall be of chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as chain link fence;
- the gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and
- operator must provide the Inspector with a "Knox Padlock" or "knox box with a key" to access the well site to be used only in case of an emergency.

5706.3.9 Landscaping.

5706.3.9.1 Screening shrubs shall be installed completely around the well site within 30 days of the start of production or within 30 days after the well has been completed as a producing well if no actual production commences, whichever is earlier, and shall be sufficient to screen from view the structures sought to be screened. Screening shrubs shall be a minimum of 3 feet in height planted 8 feet on center.

5706.3.9.2 An additional living screen shall be planted within 30 days of the start of production and must mask all chain link fencing from view within 6 months of the start of production.

5706.3.9.3 Landscaping must utilize native drought tolerant species listed in the "Recommended Plant Materials" section of the CZO and, if determined to be necessary by Frisco, must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to Frisco for approval.

5706.3.10 Vehicle routing and access.

5706.3.10.1 Vehicles associated with drilling and/or production in excess of 3 tons shall be restricted to state arterials whenever capable of being used. Such vehicles shall be operated on Frisco arterials, collectors and local commercial only when it is not possible to use a state arterial to fulfill the purpose for which such vehicle is then being operated. Truck routes and access points must be identified on the map showing transportation routes and roads for equipment, chemicals or waste products used or produced by the oil and/or gas operation.

5706.3.10.2 Design, location and arrangement of driveways and parking shall provide safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the public or adjacent development.

5706.3.10.3 Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site itself shall be at least 12 feet wide, have an overhead clearance of 14 feet and shall be surfaced with crushed rock, gravel or ore and maintained to prevent dust and mud. A concrete apron shall be required at the entrance from the street that has a driveway curb radius of a minimum of 20 feet and a maximum of 30 feet. Brine water, sulphur water or water in mixture with any type of hydrocarbon, may not be used for dust suppression. In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the Inspector after consideration of all circumstances including, but not limited to, the following: distances from public streets and highways; distances from adjoining and nearby property owners whose surface rights are not leased by the operation; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to wind. No aspect of this section shall be construed to supersede any permitting, review, standards, and regulations set forth in Frisco engineering design standards or other ordinances, as they exist, may be amended or in the future arising.

5706.3.10.4 Operators shall repair, at his/her/its own expense, any damage to public roads, streets or highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production and operation of oil and gas wells, as determined by Frisco in accordance with the road maintenance agreement.

5706.3.11 Work hours. Site development and activities, other than drilling, completion and emergencies, shall be conducted only between 7:00 a.m. and 8:00 p.m., Monday through Saturday.

5706.3.12 Noise.

5706.3.12.1 No drilling, producing, formation fracturing or completion shall produce a sound level greater than 85 dB(a) when measured at a distance of 500 feet from the production equipment in question. The noise level shall be the average of sound level meter readings taken consecutively at any given time from 4 or more diametrically opposite positions, 4 feet above ground level, when measured at a distance of 500 feet from the production equipment.

5706.3.12.2 No person or entity shall operate, or allow or cause operation, in connection with the operation of a producing well any engine, compressor or motor-driven machinery of any type which creates a sound level greater than 75 dB(a) when measured at a distance of 500 feet from the well site. The noise level shall be the average of sound level meter readings taken consecutively at any given time from 4 or more diametrically opposite positions, 4 feet above ground level, when measured at a distance of 500 feet from the production equipment.

5706.3.12.3 Frisco may require noise monitoring, at the operator's expense, if a complaint is made or the Inspector suspects the sound level to be greater than those standards listed above.

5706.3.12.4 Sound level measurements shall be made with a sound level meter conforming, at a minimum, to the requirements of the American National Standards Institute.

5706.3.12.5 If sound levels exceed the dB(a) levels referenced above, the Inspector may require sound reducing mufflers or other appropriate methods of noise reduction.

5706.3.13 Site upkeep.

5706.3.13.1 The property on which a well site is located shall, at all times, be kept free of all debris, litter, trash, waste, pools of water or other liquids, contaminated soil, high grass, brush or weeds.

5706.3.13.2 Vegetation and berms shall be maintained and kept in an attractive state at all times.

5706.3.13.3 Site and/or structures shall not become dilapidated, unsightly or unsafe.

5706.3.13.4 Damage resulting from sedimentation or erosion shall be repaired immediately.

5706.3.13.5 After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Inspector all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately. If the owner fails to begin site clean-up within 24 hours Frisco shall have the right to contact the Commission in order to facilitate the removal of all waste materials from the property affected by such spill, leak or malfunction.

5706.3.13.6 All production equipment shall be painted and maintained at all time, including wellheads, pumping units, tanks, and buildings or structures. When requiring painting of such facilities, the Inspector shall consider the deterioration of the quality of the material of which such facility or structure is constructed, the degree of rust, and its appearance. Paint shall be of the neutral color, compatible with surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of green, blue and brown or other neutral colors approved by the Inspector.

5706.3.13.7 In the event of the loss of control of any well, operator shall immediately take all reasonable steps to regain control regardless of any other provision of this section and shall notify the Inspector as soon as practicable. If the Inspector, in his or her opinion, believes that danger to persons and property exists because of such loss of well control and that the operator is not taking or is unable to take all reasonable and necessary steps to regain control of such well, the Inspector may then employ any well control expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the Inspector deems necessary to regain control of such well. Frisco shall then have a valid lien against the interest in the well of all working interest owners to secure payment of any expenditure made by Frisco pursuant to such action of the Inspector in gaining control of said well.

5706.3.14 **Abandonment and site restoration.**

5706.3.14.1 All wells shall be abandoned in accordance with the rules of the Commission; however, all well casings shall be cut and removed to a depth of at least 3 feet below the surface. No structures shall be built over an abandoned well.

5706.3.14.2 After the well has been completed or plugged and abandoned, the operator shall clean the drill site or operation site, complete restoration activities and repair all damage to public property caused by such operations within 60 days.

5706.3.14.3 Whenever abandonment occurs pursuant to the requirement of the Commission, the operator so abandoning shall be responsible for the restoration of the well site to its original condition, as nearly as practicable, except where in the 100-year floodplain, in which case alternate requirements are listed below.

5706.3.14.4 Abandonment shall be approved by the Inspector after restoration of the drill site has been accomplished. The derrick and all appurtenant equipment thereto shall be removed from drill site. All tanks, towers and other surface installations shall be removed from the drill site. All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing and identification monument, shall be removed from the site, unless otherwise directed by the Commission. All holes and depressions shall be filled with clean, compactable soil. All waste, refuse or waste material shall be removed from the drill site.

5706.3.14.5 The operator shall furnish a copy of the approval of the Commission confirming compliance with all abandonment proceedings under state law and a notice of intention to abandon under the provisions of this section, stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.

5706.3.14.6 The Inspector shall photograph the abandoned drilling site, leased property and adjacent roads, alleys, public utilities and right-of-ways to assess any damage to said property and/or facilities that need to be repaired by the operator.

5706.3.14.7 All abandoned or deserted wells or drill sites shall meet the most current abandonment requirements of the Commission prior to the issuance of any building permit for development of the property.

5706.3.14.8 An area of at least 50 feet by 50 feet, with the surface casing located at center and a 25-foot service access, shall be restored with native vegetation and shall not be developed. A monument shall be placed above the surface casing identifying the abandoned well and including the latitudinal and longitudinal position.

5706.3.14.9 A complete restoration and placement in a conservation easement shall take place in any area of a drilling lease, drill site or operation site that is located within the 100-year floodplain and such restoration shall include an evaluation and a restoration plan prepared by a team of restoration professionals, to include but not limited to, a professional engineer, hydrologist and biologist; and submitted to Frisco for approval by the Director of Planning and Development Services and Director of Engineering, or their designees. The evaluation shall include a list of the exotic/invasive vegetation species observed along with a map showing their locations. The restoration plan shall incorporate stabilization recommendations (bio-engineering), where needed for channel or slope stabilization, and include a planting plan along with species recommendations for both herbaceous and woody species. The planting plan shall be tailored to provide necessary erosion control, as well as, increase the quality of the riparian habitat.

5706.3.14.10 after completion of the restoration plan and Frisco approval, the area within the floodplain may not be developed. The complete restoration of the property in accordance with the approved restoration plan shall be completed within 120 days of the plan being approved by Frisco.

5706.3.15 Technical requirements.

5706.3.15.1 All technical requirements of this section, including but not limited to, abandonment of wells, shall be in accordance with the rules of the Commission, American Petroleum Institute and other federal, state and local requirements.

5706.3.15.2 No refining processes are allowed onsite except a dehydrator and separator for separation of liquids from gas, with the approval of the Inspector.

5706.3.15.3 In all cases, blowout prevention equipment shall be used on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during gas operations as required by and in conformance with the requirements of the Commission and the recommendations of the American Petroleum Institute. The operator must equip all drilling wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the Commission.

5706.3.15.4 All chemicals and/or hazardous materials shall be stored in such a manner as to prevent, contain and facilitate rapid remediation and cleanup of any accidental spill, leak or discharge of a hazardous material. Operator shall have all material safety data sheets (MSDSs) for all hazardous materials on site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed. Appropriate pollution prevention actions shall be required and include, but are not limited to, chemical and materials raised from the ground (e.g., wooden pallets), bulk storage, instillations and maintenance of secondary containment systems and protection from storm water and weather elements.

5706.3.15.5 No person or entity shall place, deposit, discharge or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances or any refuse including wastewater or brine from any gas operation or the contents of any container used in connection with any gas operation in, into or upon any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or any private property in Frisco or its ETJ.

5706.3.15.6 Low toxicity glycols, synthetic hydrocarbons, polymers and esters shall be substituted for conventional oil-based drilling fluids.

5706.3.15.7 No drilling fluid storage shall be located within Frisco or its ETJ.

5706.3.15.8 Closed-loop drilling fluid systems shall be used instead of lined reserve pits.

5706.3.15.9 Drip pans and other containment devices shall be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections and any other areas or structures that could potentially leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials, including hazardous waste inseparable by simple mechanical removal processes, and is made up primarily of natural material.

5706.3.15.10 All drilling and production operations shall be conducted in such a manner as to minimize, as far as practicable, dust, vibration or noxious odors and shall be in accordance with the best accepted practices incident to drilling for the production of gas and other hydrocarbon substances in urban areas. All equipment used shall be so constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling and production in this area shall be adopted as they become available if capable of reducing factors of dust, vibration, noise and odor.

5706.3.15.11 All electrical installations and equipment shall conform to Frisco ordinances and the appropriate national or international codes.

5706.3.15.12 All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area or subdivision.

5706.3.15.13 Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and prevent the escape of obnoxious gases, fumes or ignited carbon or soot.

5706.3.15.14 Wells shall not be allowed to flow or vent directly to the atmosphere without first directing the flow through separation equipment or into a portable tank.

5706.3.15.15 No venting of gas or open flames are allowed other than those expressly allowed by the Commission or approved by the Inspector.

5706.3.15.16 A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing. Such sign shall be durable material, maintained in good condition and, unless otherwise required by the Commission, shall have a surface area of not less than 2 square feet nor more than 4 square feet and shall be lettered with the following:

1. _____ well name and Commission permit/ID number;

2. _____ name of operator and phone number;

3. the emergency 911 number; and

4. telephone numbers of 2 persons responsible for the well who may be contacted 24 hours in case of emergency.

5706.3.15.17 Permanent weatherproof signs reading “DANGER NO SMOKING ALLOWED” shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the Inspector. Sign lettering shall be 4 inches in height and shall be red on a white background or white on a red background. Each sign shall include the emergency notification numbers of the fire department and the operator, and well and lease designations required by the Commission.

5706.3.15.18 The sign requirements herein are in addition to, and not instead of, any signs required by the Commission. If these sign regulations are duplicative of Commission sign regulations, the more restrictive regulations shall apply.

5406.3.15.19 Onsite storage is prohibited on the operation site. No equipment shall be stored on the drilling or production operation site, unless it is necessary to the everyday operation of the well. Lumber, pipes, tubing and casing shall not be left on the operation site except when drilling or well servicing operations are being conducted on the site.

5706.3.15.20 No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The fire code official shall be the entity that determines whether equipment on the site shall constitute a fire hazard. No refinery, processing, treating, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises. This paragraph shall not be deemed to exclude a conventional gas separator or dehydrator.

5706.3.15.21 Any and all stationary diesel power plants located on the drilling site and are associated with the exploration, development, operation, and production of oil, natural gas or associated minerals shall have a lube oil purification unit installed, maintained and functional at all times while the diesel plant is in operation.

5706.3.15.22 Surface casing shall be run and set in full compliance with the applicable rules and regulations of the Commission.

5706.3.15.23 No person shall permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site and, in addition, all lights must comply with the “Lighting and Glare Requirements” section of the CZO. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within 500 feet. To the extent of any conflict between this paragraph and the CZO, the more restrictive regulation shall control.

5706.3.15.24 Only light sand fracture technology or technologies approved by the Inspector shall be used to fracture stimulate a well. Air, gas or pneumatic drilling shall not be permitted.

5706.3.15.25 No salt water disposal wells shall be located within Frisco or area to which this ordinance applies.

5706.3.15.26 Firefighting apparatus and supplies as approved by the fire department and required by any applicable federal, state or local law shall be provided by the operator, at the operator's cost, and

shall be maintained on the drilling site at all times during drilling and production operations. The operator shall be responsible for the maintenance and upkeep of such equipment.

5706.3.15.27 Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All well heads shall contain an emergency shut off valve to the well distribution line. The fire department shall have access to the well site to enable it to close the shut-off valve in an emergency.

5706.3.15.28 Vehicles, equipment and machinery must not interfere with fighting or controlling fires.

5706.3.15.29 All tanks and permanent structures shall conform to the American Petroleum Institute and National Fire Protection Association specifications unless other specifications are approved by the Inspector. All tanks shall be no higher than 8 feet above the terrain.

5706.3.15.29.1 Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.

5706.3.15.29.2 Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.

5706.3.15.29.3 Tanks must be equipped with a secondary containment system including lining with and impervious material, a minimum of 3 feet and 1½ the contents of the largest tank and 1 foot below surface level.

5706.3.15.29.4 Tanks must be anchored.

5706.3.15.30 The operator shall apply to Frisco for a franchise agreement on, over, under, along or across city streets, sidewalks, rights-of-way, alleys and other Frisco property for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines in accordance with any applicable Frisco ordinances and regulations so long as production or operations may be continued under any permit issued pursuant to this section. Operator shall:

1. not interfere with or damage water, sewer or gas lines or the facilities of public utilities located on, under or across the course of such rights-of-way;
2. furnish the Inspector a plat showing the location of such pipelines;
3. construct such lines out of pipe in accordance with Frisco codes and regulations and insure that lines are properly cased and vented if under a street; and
4. grade, level and restore such property to substantially the same surface condition as existed when operations for the drilling of the well were first commenced.

5706.3.15.31 Operator must follow erosion control practices, such as compost berms, at least 1 foot high and 2 feet wide used to contain drainage. No aspect of this section shall be construed to supersede any permitting, review, standards and/or regulations set forth in Frisco engineering design standards or other ordinances, as they exist, may be amended or in the future arising.

5706.3.15.32 Each gas well must be equipped with a cathodic protection system or alternative approved by the Inspector to protect the production casing from corrosion.

5706.3.15.33 Only freshwater mud systems are permitted.

5706.3.15.34 No metal additive shall be used in drilling fluid.