

Ordinance No. 13-037

An ordinance amending the “Construction” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Building Code, Section 1.04, Amendments, Additions and Deletions, Subsection (D), by the addition of Subsection (7.1), relative to revisions to Table R302.1 regarding the minimum fire separation distance for exterior walls to be constructed without a fire-resistance rating requirement; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective September 30, 2013 and applied retroactively to May 24, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Construction**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Building Code, **Section 1.04**, Amendments, Additions and Deletions, **Subsection (D)**, by the addition of Subsection (7.1), to read as follows:

- 7.1. The amendment of Table R302.1, entitled Exterior Walls, to read as follows during each effective time period:

**TABLE R302.1
EXTERIOR WALLS
Effective from May 24, 2012 to September 30, 2013**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 4 feet 6 inches
	(Not fire-resistance rated)	0 hours	≥ 4 feet 6 inches
Projections	(Fire-resistance rated)	1 hour on the underside	≥ 2 feet to 3 feet 6 inches
	(Not fire-resistance rated)	0 hours	3 feet 6 inches
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0	3 feet
	Unlimited	0	5 feet
Penetrations	All	Comply with Section R302.4	< 4 feet 6 inches
		None required	4 feet 6 inches

**TABLE R302.1
EXTERIOR WALLS
Effective after September 30, 2013**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	(Not fire-resistance rated)	0 hours	≥ 5 feet
Projections	(Fire-resistance rated)	1 hour on the underside	≥ 2 feet to 5 feet
	(Not fire-resistance rated)	0 hours	5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0	3 feet
	Unlimited	0	5 feet
Penetrations	All	Comply with Section R317.3	< 5 feet
		None required	5 feet

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

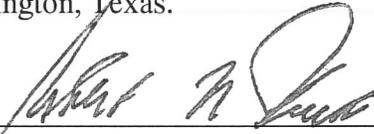
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

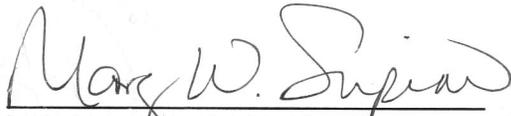
This ordinance shall become effective on September 30, 2013, which is more than 30 days after the final adoption of the ordinance at the second reading on August 20, 2013, and the provisions of this ordinance shall be applicable retroactively to all pending proceedings, applications, permits, and petitions commenced after May 24, 2012.

PRESENTED AND GIVEN FIRST READING on the 6th day of August, 2013, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of August, 2013, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 