

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING SECTION 6-100, "ADOPTION OF INTERNATIONAL FIRE CODE," AND SECTION 6-110, "RESERVED," OF CHAPTER 6 – FIRE PREVENTION OF THE KELLER CODE OF ORDINANCES; ADOPTING NEW SECTIONS, SECTION 6-100, "2024 INTERNATIONAL FIRE CODE ADOPTED;" SECTION 6-110, "AMENDMENTS TO THE INTERNATIONAL FIRE CODE, 2024 EDITION;" SECTION 6-120, "FALSE FIRE ALARMS;" AND SECTION 6-130, "OPEN BURNING;" ADDING CHAPTER 6, ARTICLE II – KELLER FIRE MARSHAL'S OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Keller (the "City"), Texas, is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council has previously adopted the 2021 edition of the International Fire Code; and,

WHEREAS, the International Code Council ("ICC") has developed a set of comprehensive and coordinated national model construction codes (known as the International Codes), and the International Fire Code has been prepared by the ICC and reviewed by the North Central Texas Council of Governments ("NCTCOG") and by City staff; and,

WHEREAS, the City Council desires to provide a mechanism by which local modifications reflecting the unique needs of the Town may be made when deemed appropriate; and,

WHEREAS, the NCTCOG and City staff have recommended adoption of certain amendments to the International Fire Code to reflect locally accepted practice; and,

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to update and adopt the 2024 edition of the International Fire Code (the "Code") as the minimum standards of the City, and has determined that this will promote the public health, safety, and welfare of the citizens of the City and the general public, as set forth herein and said Code are specifically modified by this Ordinance.

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

SECTION 1. Section 6-100, "Fire Prevention Code," of Chapter 6, "Fire Prevention," of the Code of Ordinances, City of Keller, Texas, is hereby amended in its entirety to read as follows:

Sec. 6-100. – International Fire Code adopted.

The 2024 edition of the International Fire Code is hereby adopted as the official fire code of the town and is fully incorporated by reference as though copied into this chapter in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

SECTION 2. Section 6-110, "Reserved," of Chapter 6, "Fire Prevention", of the Code of Ordinances, City of Keller, Texas, is hereby amended in its entirety to read as follows:

Sec. 6-100. – Amendments to the International Fire Code, 2024 edition. The 2024 edition of the International Fire Code, as adopted herein, is hereby amended as shown in Exhibit "A" attached to this Ordinance.

SECTION 3. Section 6-120 of Chapter 6, "Fire Prevention", of the Code of Ordinances, City of Keller, Texas, is hereby added to read as follows:

Sec. 6-120. – False Fire Alarms.

Definitions. As used in this section, the following words and terms shall have the following meaning:

ENFORCEMENT OFFICIAL. The Fire Chief, *fire code official*, or designee.

FALSE FIRE ALARM. The activation of any alarm which results in the response of the fire department caused by the negligence or intentional misuse of a fire alarm system by the owner/occupant or employees, servants, or agents, or by any other activation not caused by heat, smoke, or fire, exclusive of a fire alarm malfunction. An alarm is not considered a false fire alarm if the alarm is activated due to obvious malicious causes beyond the control of the owner/occupant.

FALSE ALARM MALFUNCTION. The activation of any alarm that results in the fire department's response is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or any other response for which the fire department personnel are unable to gain access to the premises for any reason or are unable to determine the apparent cause of the alarm activation.

FEE. The assessment of a monetary charge payable to the City of Keller, authorized according to this section, is to defray the expenses of responding to a false alarm or malfunction.

FIRE ALARM SYSTEM. Any mechanical, electrical, or radio-controlled device is designated to emit a sound or transmit a signal or message when activated, or any such device that emits a sound and sends a signal or message because of smoke, heat, or fire. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of installing the detection device, proprietary alarms, and automatic telephone direct dial services or digital alarm communicator systems. A single-station alarm device shall not be deemed a fire alarm system under this section.

FIRE ALARM TECHNICIAN. Any person who inspects, installs, repairs, or performs maintenance on fire alarm systems is licensed by the State of Texas or works under a state-licensed alarm contractor.

NUISANCE ALARM. An alarm is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or an alarm activated by a cause that cannot be determined.

NOTIFICATION. Verbal or written communication is made to the owner/occupant or authorized representative established by their emergency contact information provided via the alarm monitoring company.

OWNER/OCCUPANT. Any person or authorized representatives who own, leases, operate, occupies, or manages the premises installed by a fire alarm system.

PREMISES. Any building or structure, or combination of buildings or structures, including residential dwellings and tenant or lease spaces located wholly or partially inside such buildings or structures, classified by the International Fire Code as a group A, B, E, F, H, I, M, R, S, or U occupancy, where a fire alarm system is installed.

REQUIRED FIRE ALARM SYSTEM. According to this code, a fire alarm system must be installed and maintained in an operative condition by the owner/occupant of the premises.

SERVE. The hand-delivery of written notification by a fire department representative to the owner/occupant or authorized representative who responds to the premises upon activation of a fire alarm system. If the owner/occupant or authorized representative fails to respond to the premises within 30 minutes of the activation of the fire alarm system, "serve" shall also mean the placement of written notification, form, or

other documentation within the postal system operated by the United States Postal Service, addressed to the most current or last known address of the owner/occupant or authorized representative.

OWNER/OCCUPANT RESPONSIBILITY, RESPONSE, AND NOTIFICATION. The owner or occupant of the premises where the fire alarm system is installed is responsible for activating the system.

Once the fire department has responded to a false fire alarm or fire alarm malfunction, it shall be unlawful for the alarm panel to be reset by the owner/occupant of the premises until authorization from the enforcement official has been obtained.

FALSE FIRE ALARM AND FIRE ALARM MALFUNCTIONS FEE CHARGES. No fee shall be assessed for the first three false fire alarms or fire alarm malfunctions or any combination thereof (collectively referred to as "false alarm" or "false alarms") at the same premises within one calendar year. Beginning with the fourth false alarm and continuing through the seventh such false alarm within a single calendar year, a fee in the amount established by the City of Keller Fee Schedule, as adopted by City Council shall be paid by the owner/occupant for each false alarm located in a group A, B, E, F, H, I, M, U, R-1, and S occupancy. After the seventh false alarm has occurred at the premises within a single calendar year, the fee for each additional false alarm located in a group A, B, E, F, H, I, M, U, R-1, and S occupancy during the remainder of the then-current calendar year shall be an amount identified in the Fee Schedule.

False alarms activated by any components connected to the fire alarm system shall be included in computing this section's total number of false alarms.

SECTION 4. Section 6-130 of Chapter 6, "Fire Prevention", of the Code of Ordinances, City of Keller, Texas, is hereby added to read as follows:

Section 6-130. Open Burning.
Ordinance 1807 is hereby repealed.

A person shall not kindle, maintain, or authorize to be kindled or maintained any open burning unless conducted and approved per this article, and follow all applicable state, county, and local rules.

DEFINITIONS.

When used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context indicates a different meaning.

OPEN BURNING. The burning of materials wherein combustion products are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots, and similar devices associated with safety or occupational uses, typically considered open flames or recreational fires. For this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE. An outdoor fire that burns materials other than rubbish, where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit. It has a total fuel area of three feet or less in diameter and two feet or less in height and is used for pleasure, religious, cooking, warmth, or similar purposes.

BONFIRE. An outdoor fire is utilized for ceremonial purposes.

ENFORCEMENT. The Fire Chief, or his designated representative, is hereby authorized and directed to enforce all provisions of this article. Enforcement may be by filing a complaint in municipal court, by legal proceedings to enjoin nuisances, or in any other manner authorized by law. An official of the fire department or the police department is authorized to issue citations for violating this article.

1. It shall be a violation of this article for any person being issued a citation for a violation of this article, to be filed in municipal court or any civil proceeding, to fail intentionally or knowingly to give the fire department official or police department official his or her true name and address or to fail deliberately or knowingly to appear per the terms of a citation issued by the fire department official or police department official. For purposes of this section, a person shall be in violation upon failure to provide the requisite identification information upon a request for identification being issued by a person known to be a fire department official or police department official.
2. The owner, lessee, or occupant of the property or structure where this article's violation occurs shall be deemed responsible for such violation.
3. If the individual receiving the citation is absent, the fire department or police department official may send the citation to the property owner by certified or registered mail, and a return receipt may be requested. If the citation is unclaimed, it shall be sent by regular mail.

If this regular mailing does not come back unclaimed, then service shall be deemed completed.

RULES

1. You may not burn within the incorporated City limits unless issued a burn permit.
2. A burn permit must be obtained by submitting a burn permit application for the specific area you wish to burn to the Keller Fire Marshal's Office
3. ONLY dry plant growth natural to the burn site can be burned.
4. A competent person of at least 18 years old must attend the site during the burn.
5. An adequate water supply to control the burn is required at the site.
6. Burning hours are from sunrise to sunset, as set forth by the United States Naval Observatory tables available from the National Weather Service.

EXCEPTIONS

1. Complaints are received regarding safety or excessive nuisance smoke, and the complaint is valid (to be determined by the Fire Marshal, Fire Department, or Law Enforcement Officer), burning shall cease.
2. The Tarrant County Fire Marshal's Office determines it is a "No Burn Day".
3. During "Burn Ban" orders enacted by the Tarrant County Commissioners Court.
4. During "Burn Ban" orders enacted by the City of Keller Mayor.

PERMIT REQUIRED. Unless otherwise specified herein, a permit shall be required per Section 105 of the 2024 Edition of the International Fire Code, as amended. A permit constitutes permission to conduct processes that produce conditions hazardous to life or property. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this article. Such a permit shall not replace any license required by law. The following provisions shall apply to permits:

1. An open burning permit shall be obtained from the Keller Fire Marshal's Office before kindling a fire for recognized silvicultural, range, or wildlife management practices, prevention or control of disease or pests, or recreational fires. Application for such approval shall only be presented by the landowner upon which the fire is to be kindled, and permits shall be issued to the landowner upon which the fire is to be kindled. Application for permits shall be made to the fire

department in the form and detail prescribed by the Fire Marshal's Office.

2. Open burning permits shall be issued only upon payment of the permit fee in an amount established by the City of Keller Fee Schedule, as adopted by City Council.
3. Open burn permits are valid for 30 days from the date of issue. Any extensions to open burn permits shall not exceed 40 days in total.
4. As determined by the Fire Code Official, standby personnel and standby apparatus may be required for the duration of the open burning, and a fee assessed in accordance with the City of Keller Fee Schedule, as adopted by City Council.

COMPLIANCE WITH STATE AND COUNTY REGULATIONS. Open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided all conditions specified in the authorization are followed. Open burning shall be conducted per rules promulgated by the Texas Commission on Environmental Quality, as amended, including but not limited to Chapter 111, Subchapter B, outdoor burning, and Chapter 106, Subchapter V, section 106.496(d), and pertinent City ordinances. Nothing herein shall require that the City verify the requisite permits, licenses, and site visits mandated by other agencies.

OPEN BURNING. Open burning that is offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire department official is authorized to order the extinguishment by the permit holder, another person responsible, or the fire department of open burning, which creates or adds to a hazardous or objectionable situation.

BONFIRES AND TRENCH BURNS. Bonfires and Trench Burns are not permitted within City limits.

RECREATIONAL FIRES. Recreational fires shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a container approved by the Fire Code Official. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated before ignition.

PORTABLE OUTDOOR FIREPLACES. Portable outdoor fireplaces shall be used per the manufacturer's instructions and shall not be operated within 15 feet of a structure constructed of combustible

material.

PERMANENT OUTDOOR FIREPLACES. A permanent outdoor fireplace shall not be within 15 feet of a structure or combustible material.

EXCEPTION:

1. Fireplace appliance. When a UL-listed gas-fired appliance is installed and constructed of non-combustible materials, and non-combustible materials extend a minimum of 12 inches past any structures or combustible materials, it is permitted to be located closer than 15 feet to a structure or combustible material with approval by the Fire Code Official.

ATTENDANCE. Any open burning shall be constantly attended to until the fire is extinguished. A minimum of one portable fire extinguisher, with a minimum 4-A rating, or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available immediately for utilization. The Fire Code Official is authorized to require greater precautions when deemed necessary by the Fire Code Official in his or her discretion, under existing or anticipated circumstances, and such additional precautions shall be addressed before the permit issuance.

PENALTY. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 113 of the adopted fire code amendments.

SECTION 5. Article II of Chapter 6, "Fire Prevention", of the Code of Ordinances, City of Keller, Texas, is hereby added to read as follows:

Article II – Keller Fire Marshal's Office

SECTION 6-200. KELLER FIRE MARSHAL'S OFFICE

DESIGNATION. Keller Fire Rescue, "The Keller Fire Marshal's Office," is hereby designated as a law enforcement agency of the City of Keller, authorized to enforce applicable state laws and municipal ordinances.

AUTHORITY. The agency is authorized to employ and commission individuals who hold a peace officer license issued by the Texas Commission on Law Enforcement (TCOLE).

LAW ENFORCEMENT DUTIES. Peace officers assigned to Keller Fire – Rescue, Keller Fire Marshal’s Office shall have authority to: Investigate violations of state and local laws; Conduct criminal investigations relating to fires, explosions, and related offenses; Execute warrants and make arrests as authorized by law; Prepare and submit criminal cases for prosecution.

CRIMINAL JUSTICE INFORMATION ACCESS. The City of Keller authorizes the agency to apply for and maintain an Originating Agency Identifier (ORI) through the Texas Department of Public Safety for access to criminal justice information systems, including TCIC and NCIC.

ADMINISTRATION. Keller Fire – Rescue, Keller Fire Marshal’s Office shall operate under the administrative oversight of the Fire Chief or their designee and shall comply with all applicable federal, state, and local laws governing law enforcement agencies.

SECTION 6. CUMULATIVE CLAUSE: This Ordinance shall be cumulative of all provisions of the Code of Ordinances, City of Keller, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. SEVERABILITY CLAUSE: All rights and remedies of the City are expressly saved as to any violations of the provisions of any ordinances of the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. SAVINGS CLAUSE: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the City Council would have enacted the same without the incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 9. This Ordinance shall take effect and be in full force from and after its passage.

AND IT IS SO ORDAINED.

Passed and approved by a vote of _ to _ on this the 21st day of April 2026.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney