

**City of Grapevine TX
ORDINANCE NO. 109.2**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE GRAPEVINE CODE OF ORDINANCES BY AMENDING CHAPTER 7 BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 7-3, IS HEREBY AMENDED BY THE ADDITION OF SECTION 109.1 RELATIVE TO THE 1994 UNIFORM BUILDING CODE, PROVIDING AMENDMENTS TO SAME, REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH SEPARATE OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

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

Section 1. That Chapter 7, Article I, Section 7-3, is hereby amended by the addition of Section 109.1 to read as follows:

Section 109.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Except as otherwise provided, no person shall occupy, maintain, own, erect or construct any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency service workers, including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following:

- a minimum signal strength of one (1) microvolt (-107 dBm) available in 95% of the area of each floor of the building when transmitted from the City Radio Communications Systems;
- a minimum signal strength of one (1) microvolt (-107 dBm) received at the City Radio Communications Systems when transmitted from 95% of the area of each floor of the building;
- the frequency range which must be supported *from* the City Radio Communications system shall be 854.9875 to 860.000 **and** 866.000 to

869.000 MHz, i.e. the base transmitter frequencies. The frequency range that must be supported to the City's radio communications system shall be 809.9875 to 815.000 **and** 821.000 to 824.000 MHz, i.e. the radio field unit transmit frequencies.

Testing Procedures

- Initial Tests. Initial tests will be performed by City employees. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section.
- Annual Tests. Annual tests will be conducted by the City Fire Department in conjunction with inspection procedures.

Amplification Systems Allowed

Buildings and structures which cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage....a radiating cable system or an internal multiple antenna system with or without FCC type-accepted signal booster amplifiers if needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least eight (8) hours without external power input. The battery system shall automatically charge in the presence of an external power input.

In the event that a signal booster is employed, it shall be fully encased within a NEMA 4 (or equivalent) dust/waterproof case, and filters that reject adjacent cellular frequencies shall be included in addition to the multi-bandpass filters.

Field Testing

Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements

Modifications

The requirements of the ordinance may be lessened upon a written request of the owner when unique or unusual circumstances exist within a building or structure which make full compliance with the ordinance practically infeasible. Upon a review of the application by City Staff, including the Building Official, Fire Chief, Police Chief, and their unanimous determination that said circumstances exist, to merit a lower standard of compliance without sacrificing, the general

intent of the ordinance, a written waiver will be issued detailing the permissible variances.

EXCEPTION: Group R, Division 3 and Group U Occupancies.

Section 2. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.