

ORDINANCE NO. 2009-O-11B

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 7, FIRE PREVENTION, OF THE CODE OF ORDINANCES, CITY OF ANGLETON, TEXAS; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND MAKING AMENDMENTS THERETO; PROVIDING RULES AND REGULATIONS FOR ADMINISTRATION OF THE REGULATIONS CONTAINED THEREIN AND FOR APPEALS OF DETERMINATIONS OF THE FIRE CODE OFFICIAL; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Angleton is legally empowered to regulate the fire prevention and life safety codes in the fire district; and

WHEREAS, fire prevention standards and life safety standards are needed to protect the health, safety and welfare of residents living within the City of Angleton; and

WHEREAS, the City Council of Angleton, Texas has considered the matter and deems it appropriate to adopt a new fire code to protect the health, safety and welfare of its residents, comply with state regulations and improve the insurance rate for the citizens.

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. That Chapter 7 of the Code of Ordinances, City of Angleton, Texas, is hereby amended by deleting Article I, Section 7-3 and substituting a new Section 7-3 and adding Sections 7-4 through 7-8 and shall read as follows:

**“Chapter 7”
FIRE PREVENTION AND PROTECTION
ARTICLE I. IN GENERAL**

Sec. 7-3. Permit fees.

The amount of any fee created in this chapter or referenced in the technical codes shall be as specified in the schedule of fees adopted by ordinance of the city council. Any permit that does not have a set fee by council shall from this date forward, have a fee of \$20.00.

Sec. 7-4. Right to Appeal. A person shall have the right to make an appeal of orders, decisions or determinations made by the fire code official pursuant to this chapter. Such appeals shall be made to the board of adjustments and appeals.

Sec. 7-5. Limitations on authority. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted herein have been incorrectly interpreted, the provisions of this chapter do not fully apply or an equivalent method of protection or safety is proposed. The board of adjustments and appeals shall have no authority to waive the requirements of this chapter.

Sec. 7-6. Procedures. An appeal shall be made by filing a written request in the office of the fire code official within 10 business days of the issuance of an order, decision or determination of the fire code official. The board of adjustments and appeals shall meet to hold a hearing on the application for appeal within 30 business days from the filing of the application. In the case of an operation which, in the opinion of the fire code official, presents an imminent threat to the health, safety or welfare of the public, such operation shall immediately cease until such time that the board of adjustments and appeals makes a decision on the appeal. The board of adjustments and appeals shall file its decision in the office of the city manager and shall furnish certified copies to the appellant and the fire code official.

Sec. 7-7. Administration. The fire code official shall take immediate action in accordance with the decision of the board of adjustments and appeals.

Sec. 7-8. Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the construction board of adjustments and appeals in the office of the city manager.”

SECTION 2. The Code of Ordinances, City of Angleton, Texas, is hereby amended by deleting and thereafter substituting therefore a new Article II of Chapter 7 to provide as follows:

ARTICLE II. FIRE PREVENTION AND PROTECTION STANDARDS

Sec. 7-16. International Fire Code adopted.

- (a) The 2006 Edition of the International Fire Code and appendix D thereto, as published by the International Code Council, Inc., an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this chapter, save and except those provisions amended, added or deleted in section 7-19.

(b) To the extent that any section numbers of the Standard Fire Prevention Code are amended, or to the extent that the provisions of the Standard Fire Prevention Code sections are moved to other sections of the Standard Fire Prevention Code, then the references in this Code of Ordinances to the section numbers of the Standard Fire Prevention Code shall be correspondingly amended as necessary to maintain the force, effect, and intent of this Code of Ordinances.

(c) The code hereby adopted shall be enforced by the chief of the fire department or the fire marshal.

Sec. 7-17. Modifications.

The chief of the fire department or the fire marshal shall have the power to modify any of the provisions of the code adopted in section 7-16, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department or fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

Sec. 7-19. Amendments to International Fire Code. The following sections of the code adopted in Section 7-16 are amended in the following respects:

SECTION 103 - CODE OFFICIAL

103.1. Code official. Whenever the term “fire code official” is used herein such term shall be construed as the fire marshal, his designee, or any other duly authorized agent of the city authorized to enforce the provisions of this code.

Subsection 105.6 is hereby amended to provide as follows:

105.6. Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.14.

105.6.4. Carnivals or fairs. An operational permit is required to conduct a carnival or fair.

105.6.8. Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.7 Permit Amounts for Compressed Gases

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot= 0.02832m³.

105.6.16. Flammable and combustible liquids. An operational permit is required:

- 1) To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
 - 3) The storage or use of Class I liquids when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
- 4) To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.9.

Table 105.6.20 Permit Amounts for Hazardous Materials

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.8
Corrosive materials Gases Liquids Solids	See Section 105.6.7 55 gallons 1000 pounds
Explosive materials	See Section 105.6.14
Flammable materials Gases Liquids Solids	See Section 105.6.7 See Section 105.6.8 100 pounds
Highly toxic materials Gases Liquids Solids	See Section 105.6.7 Any Amount Any Amount
Oxidizing materials Gases Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	See Section 105.6.7 Any Amount 1 gallon ^a 10 gallons 55 gallons Any Amount 10 pounds ^b 100 pounds 500 pounds
Organic peroxides Liquids Class I Class II Class III Class IV Class V Solids Class I Class II Class III Class IV Class V	 Any Amount Any Amount 1 gallon 2 gallons No Permit Required Any Amount Any Amount 10 pounds 20 pounds No Permit Required
Pyrophoric materials Gases Liquids Solids	Any Amount Any Amount Any Amount
Toxic materials Gases Liquids Solids	See Section 105.6.7 10 gallons 100 pounds
Unstable (reactive) materials Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	 Any Amount Any Amount 5 gallons 10 gallons Any Amount Any Amount 50 pounds 100 pounds
Water-reactive Materials Liquids Class 3	 Any Amount

Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

105.6.36. Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

105.6.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

Subsection 105.7 is hereby amended to provide as follows:

105.7.9 LP-gas. A construction permit is required for installation of or modification to an LP-gas system or the installation of a L-P container in residential area with a water capacity of 123 gallons or more.

105.7.10 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

105.7.11 Spraying or dipping. A construction permit is required for the installation or modification of a spray room, dip tank or booth.

105.7.13 Temporary membrane structures, tents and canopies. A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m²), or a canopy in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

3. Fabric canopies and awnings open on all sides which comply with all of the following:
 - 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

Subsections 105.14 and 105.15 are hereby added to provide as follows:

105.7.14 Underground private fire mains. A construction permit is required for installation of underground private fire mains.

105.7.15 Gates or barriers across roadways or private drives. A construction permit is required for the installation, construction, erection, or alteration of a controlled vehicular access device or system located at the entrances to streets, fire lanes, parking lots, access roads and driveways.

Section 108 is hereby deleted.

Subsection 109.2.5 is hereby added to provide as follows:

109.2.5. Time limit. Except as provided otherwise under chapter 7 of the code of ordinances, a time limit, not to exceed ten working days, from the date any order or notice has been issued is permitted for compliance. Dependent upon the hazard and condition created by the violation, the fire code official may limit the compliance time to fewer than 10 days. An extension of time, for a period to be determined by the fire code official, may be allowed for compliance with conditions or correction of violations provided the extension is requested in writing, to the fire code official, and justifiable cause is demonstrated. If the extension is not permitted by the fire code official, such refusal shall be in writing and shall contain the reasons for refusal.

Subsection 109.3 is hereby amended to provide as follows:

109.3 Violation penalties. Persons who shall violate a provision of this chapter, this code or any amendment thereto or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, of a permit or certificate issued under provisions of this code or of a decision of the construction board of adjustments and appeals, shall be guilty of a misdemeanor, and upon conviction thereof, or the owner of the building or premises or part thereof where anything in violation of this chapter shall be permitted to exist, or any person, contractor,

agency or corporation employed in connection therewith, or any driver, owner or operator of any material, vehicle, tank, trailer or piece of equipment who may have assisted in the commission of such violation, shall be subject to a fine as set forth in section 1-14 of this code. Each day that a violation continues or each occurrence of any violation shall be deemed a separate offense.

Subsection 110.5 is hereby added to provide as follows:

110.5. Occupancy overloading. Notwithstanding any other provisions of this code or the technical codes therein adopted and amended, whenever the fire code official or his designee shall deem that a dangerous or unlawful number of persons are accumulated in any building or premises, or on any property or in any area of a building, premises or property, the fire code official or his designee shall immediately notify the owner or the person in control of the building, premises or property to have the condition corrected immediately. If the condition is not immediately corrected, the fire code official or his duly authorized representative shall order the building, premises or property or area closed and all occupants to be vacated until such condition is corrected.

Subsection 111.4 is hereby amended to provide as follows:

111.4. Failure to Comply. It shall be unlawful for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

Subsection 111.5 is hereby added to provide as follows:

111.5. Condemnation tags. The fire code official or his designee may affix a condemnation tag prohibiting the use of any equipment, operation or procedure which he determines to be unsafe or defective or which creates a fire hazard. When affixed, such tag may be removed only by the fire code official or his designee and may be removed only when the hazard to which the order pertains has been corrected in an approved manner. Until removed, that item or device, operation or procedure, which has caused the hazard, shall not be used or permitted to be used. Unauthorized removal of such condemnation tag shall be a violation of this code.

Section 307 is hereby amended to provide as follows:

**SECTION 307
OPEN BURNING AND RECREATIONAL FIRES**

307.1 General. No person shall kindle or maintain any type of open fire or burning, or trench-burn fires within the city. Such open fires also are hereby declared to be public nuisances within 5,000 feet outside the city limits and into the city's extra-territorial jurisdiction (ETJ).

Exception: This prohibition does not apply to live firefighting training conducted by the Fire Department in compliance with TCEQ regulations, bonfire sanctioned by the school district, barbecue pits used for cooking, or an approved outdoor fireplace used for warmth that has three sides and a spark arrestor. The fire official may prohibit any or all fires, or order the immediate extinguishment of any and all fires when, in his sole discretion, atmospheric conditions or local circumstances make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke or odor emissions shall be prohibited. The fire code official is authorized to order the extinguishment by the violator or by the fire department of open burning which creates or adds to a hazardous or objectionable situation.

Subsection 315.4 is hereby added to provide as follows:

315.4 Transportation of combustible waste and refuse. Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo spaces tightly covered and so maintained as to ensure against ignition from external fire sources.

The first paragraph of section 503 is hereby amended to provide as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and with Appendix D.

Subsection 503.2.4 is hereby amended to provide as follows:

503.2.4 Turning radius. The minimum inside turning radius shall be 25 feet with a minimum 50 feet outside turning radius.

Subsection 503.3.1 is hereby added to provide as follows:

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

The owner, manager, or person in charge of any new or existing building or property for which fire lanes have been approved or required by the fire code official or his authorized representative shall mark and maintain said fire lanes as provided below.

- (a) All curbs and curb ends shall be painted red with white lettering four inches (4") high with at least one half-inch (1/2") stroke, stating "NO PARKING FIRE LANE TOW-AWAY ZONE". Wording shall not be spaced more than twenty five feet (25') apart.

(b) In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:

(1) Signs that comply with Appendix D section D103.6 shall be mounted conspicuously along the edge of the fire lane, spaced no more than twenty-five feet (25') apart, and shall have lettering at least two inches (2") high with three-eighths inch (3/8") stroke.

(2) From the point the fire lane begins to the point the fire lane ends, there shall be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes shall be stenciled every twenty-five feet (25') apart "NO PARKING FIRE LANE TOW-AWAY ZONE" with white lettering four inches (4") high with at least one half-inch (1/2") stroke. Fire lanes shall be so marked in accordance with Appendix D sections D103.6.1 and D103.6.2.

Subsection 503.6 is hereby amended to provide as follows:

503.6. Security gates. The fire code official must approve the placement of any barriers, gates and blocking devices, and all other controlled vehicular access devices or systems, located at the entrances to streets, fire lanes, parking lots, access roads and driveways. Such approval will be granted whenever in his opinion such barriers meet the requirements of this chapter and do not cause an unreasonable threat to the health, safety and welfare of persons or property.

503.6.1. Whenever access to any public or private street, fire lane or other way allowing for vehicular access has barriers, gates, blocking devices or other controlled vehicular access devices or systems which make it difficult for fire apparatus, police patrol vehicles, ambulances and similar emergency type vehicles to pass, and where immediate access is necessary for lifesaving, firefighting or police purposes, application for and issuance of a permit by the fire code official must be obtained before installing, erecting, altering or maintaining such controlled vehicular access devices or systems.

503.6.2. The installation, construction, erection and maintenance of controlled vehicular access devices or systems requiring a permit as set forth in this section shall, at a minimum, meet the following criteria:

1. Barriers across streets shall have a minimum unobstructed width of not less than 15 feet when opened.
2. Electric barriers shall have an approved key lock box or some other type of system allowing access by the city fire and rescue services department installed in an accessible approved

location. The key box or other system shall contain keys, codes or devices to gain access through the barrier.

3. Electric barriers shall have an approved key switch installed that will override the access controller.
4. Electric barriers shall have an emergency power backup or a manual disconnect.
5. A padlock may be installed on all gates or barriers not equipped with automatic gate openers provided such padlock is approved by the fire code official.

503.6.3. The controlled vehicular access device or system must be properly installed, erected and maintained. The city reserves the right to remove any controlled vehicular access device or system whenever such removal is immediately necessary to preserve the health, safety and welfare of the general public and regardless of whether such device or system is permitted. In the event of removal, the city shall not be held liable for any resulting damage or destruction.

Subsection 609.2 is hereby amended to provide as follows:

609.2. Where required. Type I hoods shall be installed where cooking appliances produce grease vapors. In addition, the following specified locations shall require a Type I hood:

- a) In all Group E and I where commercial cooking appliances are used for any purpose.
- b) In Group A, with an occupant load over 49 persons, where commercial cooking appliances are used for any purpose.

Exception: A Type I hood shall not be required where domestic or residential cooking appliances are installed and not used for commercial purposes.

Subsection 903.3.7.1 is hereby added to provide as follows:

903.3.7.1. The fire department connection (FDC) shall be in a readily accessible location and provide a hose connection that shall not block access to the building or obstruct other fire apparatus from accessing the building. The fire code official shall have the authority to require an approved sign be posted indicating the address which the FDC serves. A fire hydrant shall be located within 300 feet of the FDC measured along an approved fire apparatus access road.

Subsection 906.3.1 is hereby added to provide as follows:

906.3.1. Portable fire extinguishers will have a minimum UL rating of 3A-40BC unless a special use classification is required by the fire code.

Subsection 907.7.1 is hereby added to provide as follows:

907.7.1 Evacuation. Upon activation of any automatic fire alarm system, sprinkler water-flow devices or required manual fire alarm boxes, all occupants of the structure shall be evacuated and shall remain outside the structure until the fire department has determined that no fire or danger exists.

Subsection 2204.2 has an additional paragraph added for absorbent materials.

Absorbent Materials: The owner or manager of dispensing devices of flammable or combustible liquids shall keep an adequate supply of absorbent materials on site to contain spills due to overfill and other causes. Absorbent materials shall be compatible with the fuels dispensed. All attendants shall be trained in spill containment methods and use of absorbent materials. The manager or attendant in charge of the dispensing devices shall take immediate action to minimize or abate any spillage of flammable liquid.

Subsections 3404.2.7.1.1, 3404.2.7.1.2, 3404.2.7.1.3, 3404.2.7.1.4 and 3404.2.7.1.5 are hereby added to provide as follows:

3404.2.7.1.1. Vaulted above-ground tanks shall consist of an interior steel tank which is U.L. listed in accordance with U.L. Standard 142 “Steel Aboveground Tanks for Flammable and Combustible Liquids” and a secondary containment liner located within the concrete vault. The entire vaulted tank assembly shall be U.L. listed in accordance with U.L. Subject 2085, Protected Type.

3404.2.7.1.2. All interior steel tanks within vaulted above-ground tanks shall meet the requirements of NFPA 30 for above-ground tanks including those for venting.

3404.2.7.1.3. All steel tank openings within the vaulted above-ground tanks shall be threaded except for detector tubes.

3404.2.7.1.4. All portions of the interior steel tank within the vaulted above-ground tank, and the secondary containment liner, shall be enclosed in no less than six (6) inches of reinforced concrete with all openings located above the normal liquid level.

3404.2.7.1.5. All vaults for vaulted above-ground tanks shall meet the following requirements:

- a) be placed on a reinforced concrete pad adequate to support the loading of a full vault in accordance with manufacturers’ recommendations;
- b) have a five gallon minimum over-fill containment; and

- c) have leak detection devices installed and operational at all times.

Subsection 3404.3.4.2 (7) is hereby amended to provide as follows:

7. Group R Occupancies: Quantities in Group R occupancies shall not exceed amounts necessary for maintenance purposes and operation of equipment. Dwellings and apartment houses containing not more than three dwelling units and accompanying attached and detached garages: storage in excess of ten gallons of flammable liquid shall be prohibited, not including fuel oil for oil burner service. A permit shall be required for the storage of Class I flammable liquids in excess of one gallon within any dwelling, six gallons within any other building, and ten gallons outside any building.

Subsection 3406.2.5.2 is hereby amended to provide as follows:

3406.2.5.2. Tanks for gravity discharge. Elevated gravity-dispensing tanks shall be prohibited.

3406.5.1 BULK TRANSFER AND STORAGE PLANTS. No new bulk plants shall be constructed within the limits of the fire district without a variance being granted by the city council.

Subsection D103.3 of Appendix D is hereby amended to provide as follows:

D103.3 Turning Radius. The minimum inside turning radius shall be 25 feet with a minimum 50 feet outside turning radius.

Subsection D103.5(1) of Appendix D is hereby amended to provide as follows:

D103.5 (1). The minimum gate width shall be 15 feet (4572 mm).

Subsection D107.1 of Appendix D is hereby amended to provide as follows:

D107.1 One or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

- a) If all dwelling units on a single or private access way are protected by an approved residential sprinkler system, access from two directions shall not be required; or

- b) In developments in which fire sprinkler systems are not provided in all dwelling units but are served by an approved main access roads having two unobstructed traffic lanes maintaining a minimum width of 40 feet to a point of intersection with the first through roadway into the development, access from two directions shall not be required; or
- c) If the total number of dwelling units on a single fire apparatus access road are increased above 30 but fire apparatus access roads will connect with future development, as reflected on a City-approved conceptual plan, the required access from two directions may not be required if approved by the fire code official.”

SECTION 3. This Ordinance shall be effective not less than ten days from the date of its passage in accordance with the City Charter and the City Secretary is hereby directed to cause the caption of this Ordinance to be published in the official newspaper of the City at least once within ten days after the passage of the Ordinance.

SECTION 4. The 2006 edition of the International Fire Code is attached hereto and made a part hereof for all purposes.

Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on this ___ day of _____, 2009.

CITY OF ANGLETON, TEXAS

J. Patrick Henry, Mayor

ATTEST:

APPROVED AS TO FORM:

SHELLY DEISHER, City Secretary

MARY KAY FISCHER, City Attorney