

# Memorandum



CITY OF DALLAS

DATE March 22, 2019

TO Honorable Members of the Public Safety and Criminal Justice Committee

SUBJECT **Dallas Fire-Rescue Fire Watch Code Revision**

Dallas Fire-Rescue addressed the Public Safety and Criminal Justice Committee on January 14, 2019 presenting an amendment change proposal for fire watch procedures. The amendment change was proposed to address concerns from fees incurred from fire watches with residential / multifamily properties. The Committee requested for the proposal to be put into an amendment draft ordinance, with the accompanying letter of responsibility, for review. As part of the process, Dallas Fire-Rescue worked with representatives from the Apartment Association of Greater Dallas in order to properly address all necessary concerns.

Dallas Fire-Rescue is submitting a draft of the updated fire watch ordinance provision for the Dallas Fire Code, along with the letter of responsibility, to the Public Safety and Criminal Justice Committee on March 25, 2019. This amendment change will offer options for performing fire watch procedures while continuing to adhere to the intent of the Dallas Fire Code. Unless there are any other changes that the Public Safety and Criminal Justice Committee wish to make, this will be scheduled for City Council consideration.

Attached we have included the Dallas Fire-Rescue Fire Watch Requirements Letter of Responsibility and the ordinance.

A handwritten signature in black ink that reads "Jon Fortune".

Jon Fortune  
Assistant City Manager

cc: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (Interim)  
Carol A. Smith, City Auditor (Interim)  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
M. Elizabeth Reich, Chief Financial Officer  
Laila Alequresh, Chief Innovation Officer  
Directors and Assistant Directors

# Dallas Fire-Rescue

## Fire Watch Requirements

### Letter of Responsibility

This document is notice that a fire watch is required for the property located at \_\_\_\_\_ (address) due to impaired life safety system(s).

A fire watch will be conducted when a life safety system is or will be inoperable in an occupied structure. This includes fire alarm systems with notification (audible and visual) in an impaired state or suppression systems (dry or wet) without adequate pressure. Please note, a suppression system requiring a fire pump system to achieve adequate pressure throughout the structure will be considered inoperable if the fire pump system is impaired. A fire watch must always be conducted in an occupied structure when the life safety systems are impaired, whether voluntarily or involuntarily impaired (bypassed). Alternative personnel (non-DFR) staffed fire watches will be subject to monitoring by Dallas Fire-Rescue personnel.

**“FIRE WATCH”** means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified standby personnel when required by the fire chief, 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.

**ALTERNATIVE STANDBY PERSONNEL** means standby personnel not employed by Dallas Fire Rescue that meet the minimum qualifications in Section 403.12.1.3.

**“Systems out of service”.** Where a required *fire protection system* is out of service, or in the event of an excessive number of accidental activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or *standby personnel* or *alternative standby personnel* shall be provided for all occupants left unprotected until the *fire protection system* has been returned to service.

Where utilized, *standby personnel* or *alternative standby personnel* shall be provided with at least two *approved* means for notification of the fire department and their only duty shall be to perform patrols of the protected premises and keep watch for fires.

**“Standby personnel”.** Where, in the opinion of the *fire code official*, it is essential for public safety in a place of assembly, occupied building, or any other place where people congregate, because of the number of persons, failure of life safety systems, or the nature of the performance, exhibition, display, contest or activity, the *owner*, agent or lessee shall provide one or more *standby personnel*, as required and *approved*. *Standby personnel* shall comply with Sections 403.12.1.1 and 403.12.1.2. During times when a property owner elects to use standby personnel that is not employed by Dallas Fire Rescue, *alternative standby personnel* may be used. *Alternative standby personnel* must meet the qualifications in Section 403.12.1.3.

On-duty standby personnel, including alternative standby personnel, shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.
4. Shall have the sole duty of providing a Fire Watch and capable of performing such duties.
5. Alternative Standby Personnel shall provide a schedule of personnel shifts to the fire official 24-hours in advance for each day of Fire Watch operations.

DFR to give final on-site approval of the functionality of life safety systems repaired or replaced before a fire watch can be terminated.

**Alternative standby personnel qualifications.** *Alternative standby personnel* shall meet the following qualifications:

1. Must be at least 21 years of age.
2. Must be familiar with the layout of the facility.
3. Must be physically capable of performing the fire watch duties, including walking and climbing stairs.
4. Must be capable of performing continuous intervals of monitoring.
5. Must be equipped with at least two means of contacting 911.
6. Must be familiar with functionality of the life safety systems onsite, both operational and non-operational.
7. Must be familiar with and trained in the use of portable fire extinguishers.

Dallas Fire-Rescue personnel or alternative standby personnel will monitor the property until the system(s) are repaired according to Dallas Fire Code requirements and National Fire Protection Association guidelines. The fire watch must be conducted by the guidelines listed above. If alternative standby personnel are used to provide monitoring of the property, then all individuals designated for this duty must meet the criteria listed above; Dallas Fire-Rescue personnel will monitor the premises until they can be relieved by alternative standby personnel meeting the guidelines. Fire Watches conducted by alternative standby personnel are subject to monitoring by Dallas Fire-Rescue. **Failure to comply with the fire watch guidelines listed above, either by failure to perform the duties listed above or failure to provide alternative standby personnel meeting the minimum criteria will be subject to municipal citation upon discovery of the first occurrence. Any subsequent occurrence will result in forfeiture of the alternative standby personnel feature with Dallas Fire-Rescue personnel assuming control of the fire watch duties at the standard hourly rate for standby personnel.** Request to use alternative standby personnel must be designated on this form.

**\*Termination of the fire watch must be approved onsite by Dallas Fire-Rescue personnel.\***

By signing below, you acknowledge that you are the person in control and accept the responsibility to maintain the guidelines listed in order to conduct the Fire Watch properly throughout the affected structure(s).

Name of Business \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature \_\_\_\_\_

Title / Position: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

Dallas Fire-Rescue personnel: \_\_\_\_\_

Alternative Standby personnel: \_\_\_\_\_

Witnessed by Dallas Fire-Rescue Fire Marshal designee: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 16, “Dallas Fire Code,” of the Dallas City Code, as amended by amending Sections 202, 403, and 901; providing a definition of alternative standby personnel; allowing alternative standby personnel to conduct fire watch duties; requiring standby personnel and alternative standby personnel to have a minimum of two means of contact the fire department; providing minimum qualifications of alternative standby personnel; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have posted the required notice and have held the required public hearing regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 202, “General Definitions,” of Chapter 2, “Definitions,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended by adding a new definition of “alternative standby personnel” to read as follows:

“**ALTERNATIVE STANDBY PERSONNEL.** Standby personnel not employed by Dallas Fire Rescue that meet the minimum qualifications in Section 403.12.1.3.”

SECTION 2. That Paragraph 403.12.1, “Standby Personnel,” of Subsection 403.12, “Special Requirements of Public Safety,” of Section 403, “Emergency Preparedness Requirements,” of Chapter 4, “Emergency Planning and Preparedness,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended to read as follows:

“**403.12.1 Standby personnel.** Where, in the opinion of the *fire code official*, it is essential for

public safety in a place of assembly, occupied building, or any other place where people congregate, because of the number of persons, failure of life safety systems, or the nature of the performance, exhibition, display, contest or activity, the *owner*, agent or lessee shall provide one or more *standby personnel*, as required and *approved*. *Standby personnel* shall comply with Sections 403.12.1.1 and 403.12.1.2. During times when a property owner elects to use standby personnel that is not employed by Dallas Fire Rescue, *alternative standby personnel* may be used. *Alternative standby personnel* must meet the qualifications in Section 403.12.1.3.

The *fire code official* reserves the authority to designate fire service personnel exclusively to conduct a fire watch when the *fire code official*:

1. determines that the system impairment presents an increased risk to the public or occupants within a large public venue or event; or
2. has just cause to believe *alternative standby personnel* have not or cannot conduct the fire watch protocols properly.

The *fire code official* reserves the authority to monitor all fire watches conducted by *alternative standby personnel*. Failure to properly follow the listed fire watch protocols by *alternative standby personnel* may result in a municipal citation to the person in control of the facility at the time of the infraction. After a citation has been issued, a subsequent failure to properly follow the listed fire watch protocols may result in the immediate forfeiture of the use of *alternative standby personnel* and subsequent fire watch duties may be conducted exclusively by Dallas Fire Rescue personnel for the duration of the fire watch.

**403.12.1.1 Duty times.** *Standby personnel, or alternative standby personnel,* shall remain on duty while places requiring a fire watch are open to the public, occupied, or when an activity requiring a fire watch is being conducted. *The fire code official* must give final onsite approval of the functionality of life safety systems repaired or replaced before a fire watch may be terminated.

**403.12.1.2 Duties.** On-duty *standby personnel, including alternative standby personnel,* shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.
4. Be capable of performing the sole duty of providing a fire watch.
5. For alternative standby personnel, provide a schedule of personnel shifts to the fire official 24 hours in advance of each day of fire watch operations.

**403.12.1.3 Alternative standby personnel qualifications.** *Alternative standby personnel shall meet the following qualifications:*

1. Must be at least 21 years of age.
2. Must be familiar with the layout of the facility.
3. Must be physically capable of performing the fire watch duties, including walking and climbing stairs.
4. Must be capable of performing continuous intervals of monitoring.
5. Must be equipped with at least two means of contacting 911.
6. Must be familiar with functionality of the life safety systems onsite, both operational and non-operational.
7. Must be familiar with and trained in the use of portable fire extinguishers.”

SECTION 3. That Subsection 901.7, “Systems Out of Service,” of Section 901, “General,” of Chapter 9, “Fire Protection Systems,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended to read as follows:

**“901.7 Systems out of service.** Where a required *fire protection system* is out of service, or in the event of an excessive number of accidental activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or *standby personnel or alternative standby personnel* shall be provided for all occupants left unprotected until the *fire protection system* has been returned to service.

Where utilized, *standby personnel or alternative standby personnel* shall be provided with at least two [~~one~~] *approved* means for notification of the fire department and their only duty shall be to perform patrols of the protected premises and keep watch for fires.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapter 16 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.



SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect on *[30 days after passage of the ordinance]*, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_