

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

An ordinance amending Chapter 16, “Dallas Fire Code,” of the Dallas City Code by adding Section 5707; providing regulations for on-demand mobile fueling operations; 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 given the required notices and have held the required public hearings 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 Chapter 57, “Flammable and Combustible Liquids,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended by adding a new Section 5707, “On-Demand Mobile Fueling Operations,” to read as follows:

**“SECTION 5707  
ON-DEMAND MOBILE FUELING OPERATIONS**

**5707.1 General.** On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6.3.

**Exception:** Fueling from an approved portable container in cases of an emergency or for personal use.

**5707.1.1 Approval required.** Mobile fueling operations shall not be conducted without first obtaining a permit and approval from the fire code official. Mobile fueling operations shall occur only at approved locations.

**5707.1.2 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.8.

**5707.1.2.1 Vehicle inspection.** A mobile fueling permit shall be issued for each fuel dispensing vehicle that dispenses Class I, Class II or Class III liquids in accordance with this chapter. The fire department shall inspect each vehicle to ensure that the equipment is

in good working order and in compliance with the provisions of this chapter before issuing a permit to operate.

**5707.1.3 Plan review fee.** Two (2) copies of legible, fully dimensioned site plans drawn to a standard scale shall be submitted prior to conducting mobile fueling operations and comply with Section 5707.3.3. Plans for mobile fueling operations shall be submitted with a nonrefundable \$350.00 plan review fee.

**5707.2 Mobile fueling vehicle.** An on-demand mobile fueling vehicle is a vehicle that has chassis-mounted tanks or containers where the aggregate cargo capacity does not exceed 1200 gallons (4592 L). A mobile fueling vehicle with a mounted tank in excess of 110 gallons (415 L) shall comply with the requirements of Section 5706.6, Section 5707 and NFPA 385.

The mobile fueling vehicle shall comply with all local, state and federal requirements. The mobile fueling vehicle and its equipment shall be maintained in good repair.

**5707.3 Required documents.** Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the owner of the mobile fueling operation and shall be maintained for each approved location.

**5707.3.1 Safety and emergency response plan.** Mobile fueling operators shall have an approved written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable requirements of this code.

**5707.3.2 Training records.** Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. Training records of operators shall be maintained.

**5707.3.3 Site plan.** A site plan shall be developed for each location at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines and appurtenances on site and their use or function; all uses adjacent to the lot lines of the site; fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and the scale of the site plan.

**5707.4 Mobile fueling areas.** The *fire code official* is allowed to impose limits on the times and days during which mobile fueling operations are allowed to take place, and specific locations on a site where fueling is permitted. Mobile fueling shall not occur on public streets, public ways or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited. Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

**5707.4.1 Separation.** Mobile fueling shall not take place within 25 feet (7620 mm) of buildings, property lines or combustible storage. Where dispensing operations occur within 15 feet (4572 mm) of a storm drain, an approved storm drain cover or an approved equivalent method that will prevent any fuel from reaching the drain shall be used.

**5707.4.2 Sources of ignition.** Smoking, open flames and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

**5707.5 Equipment.** Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.4.

**5707.5.1 Dispensing hoses and nozzles.** Where equipped, the dispensing hose shall not exceed 50 feet (15 240 mm) in length. The dispensing nozzles and hoses shall be of an approved and listed type.

**5707.5.2 Fuel limit.** Mobile fueling vehicles shall be equipped with a fuel limit switch set to a maximum of 30 gallons (116 L) and a nozzle or other approved device that, when activated, immediately causes flow of fuel from the mobile fueling vehicle to cease.

**5707.5.3 Fire extinguisher.** An approved portable fire extinguisher complying with Section 906 with a minimum rating of 40-B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.

**5707.5.4 Spill kit.** Mobile fueling vehicles shall contain a minimum 5-gallon (19 L) spill kit of an approved type.

**5707.6 Operations.** Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads. Provisions shall be made to prevent liquids spilled during dispensing operations from flowing into buildings or off-site. Acceptable methods include, but shall not be limited to, grading driveways, raising doorsills or other approved means.

**5707.6.1 Dispensing hose.** Where equipped, mobile fueling vehicles shall be positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the mobile fueling vehicle.

**5707.6.2 Drip control.** Operators shall place a drip pan or an absorbent pillow under the nozzle and each fuel fill opening prior to and during dispensing operations to catch drips.

**5707.6.3 Spill reporting.** Any spill in excess of 5-gallons (19 L) shall be immediately reported to the Dallas Fire Marshal's Office."

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

SECTION 3. That Chapter 16 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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 6. That this ordinance shall take effect on [30 days after adoption] in accordance with the provisions of 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 \_\_\_\_\_