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ARTICLE I. IN GENERAL

Sec. 34-1. Reward.

A reward of $500 .00 is offered for the arrest and indictment of any person guilty of the crime of arson within the corporate limits of the city.

Code 1987 §7.30

Secs. 34-2 – 34-30. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Secs. 34-31 – 34- 50. Reserved.

DIVISION 2. FIREMARSHALL

Sec. 34-51. Creation of office.

The office of fire marshal is created. Such office shall be independent of other city departments, the fire marshal reporting directly to the mayor and city council. Such office shall be filled by appointment by the mayor, by and with the con sent of the city council. The fire marshal shall be properly qualified for the duties of his office and shall be removed only for ca use. He shall receive an annual salary as set by the city council.

Code 1987 §7.1

Sec. 34-52. Investigation of fires.

The fire marshal shall investigate the cause, origin and circumstances of every fire occur ring within this city by which property has been destroyed or damaged and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be made within 24-hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances

Code 1987 §7.2

Sec. 34-53. Taking testimony and oaths.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have

' means of knowledge in relation to the matter under investigation and shall ca use the information to be reduced in writing; and if he shall be of the opinion that there is evidence sufficient to charge an y person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connect ion with such fir e, he shall ca u se such person to be lawfully arrest ed and charged with such offense or either of them and shall furnish to the proper prosecuting attorney all such evidence. together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Code 1987 §7.3

Sec. 34-54. Power to summon witnesses.

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any pertinent book, paper or document. The fire marshal is authorized and empower ed to administer oaths and affirmation s to any persons appearing as witnesses before him.

Code 1987 §7.4

Sec. 34-55. Refusal by witness to testify.

Any wit ness who refuses to be sworn, or refuses to appear or testify, or who dis obeys any lawful or der of the fire marsh al, or who fails or refuses to produce any book or paper or document touching any matter under examination , or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of the investigation or inquiry after being summoned to give testimony in relation to any matter under investigation shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted. Any person being convicted of any such misdemeanor shall be fined in a sum not exceeding $200.00; however, any person so convicted shall have the right to appeal.

Code 1987 §7.5

Sec. 34-56. Right to private investigations.

Any investigations held by or under the direction of the fire marshal may, in his discretion, be private; and persons other than those required to be present may be excluded from the place where such investigation is held; and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

State law reference Similar provisions, V.T.C.A., Government Code § 417.007(0.

Code 1987 §7.6

Sec. 34-57. Right to enter buildings.

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other adjoining or nearby buildings and premises, which authority shall be exercised only with reason and good discretion.

Code 1987 §7.7

Sec. 34-58. Order for repairs or removal.

The fire marshal, upon complaint of any person having an interest in any adjacent building or property or without any complaint, shall have a duty, monthly or more often, to enter upon and make or cause to be entered and made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging to such buildings. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property in such buildings, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys , flues and pipes with which they may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum , gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustibles, flammable and refuse materials , or other conditions which may be dangerous in char acter or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants , he shall order the condition to be removed or remedied ; and such order shall be forthwith complied with by the owner or occupant of the building or premises . If the owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to the mayor, who shall investigate the cause of the complaint; and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by owner or occupant. At the end of each month, the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

State law reference Authority of city to inspect and condemn dangerous buildings, V.T .C.A., Local Government Code § 342.003(a )(3).

CODE 1987 § 7.8

Secs. 34-59 – 34-90. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 34-91. Adopted.

There is adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the Standard Fire Prevention Code, particularly the 1997 edition, and the whole of such code, save and except such portions as are revised or excluded, of which code one copy has been and is now filed in the office of the city secretary. Such code is adopted and incorporated as fully as if set out at length in this article; and from the date this article shall take effect, its provisions shall be controlling within the limits of the city.

CODE 1987 § 7.20

Sec. 34-92. Enforcement.

The code adopted in this article shall be enforced by the chief of the fire department.

CODE 1987 § 7.21

Sec. 34-93. Keeping hazardous buildings.

Any owner or occupant of a building or other structure or premises who shall keep or maintain the building , structure or premises when , for want of repair, or by reason of age or dilapidated condition , or for any cause, it is especially liable to fir e and which is so situated as to endanger buildings or property of others , or is especially liable to fire and which is so occupied that fire would endanger other persons or their property shall be punished as provided in section 1 14.

Cross references Building s and construction, Ch. 18; environment, Ch. 30.

CODE 1987 § 7.9

Sec. 34-94. Improper arrangement of heating appliances.

Any owner or occupant of any building or other structure or premises who shall keep or maintain the building , structure or premises with an improper arrangement of a stove, range, furnace or other heating appliance of any kind whatever, including chimneys , flues and pipes with which the building , structure or premises may be connected, so as to be dangerous in the matter of fire, health or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of lighting device or system, or with a storage of explosives , petroleum , gasoline, kerosene, chemicals , vegetable products , ashes , combustibles , flammable materials , refuse , or with any other condition which shall be dangerous in the matter of promoting, augmenting or causing fires ; or which shall create conditions dangerous to firefighters or occupants of such building, structure or premises other than the maintainer shall be punished by a fine of not more than $200.00.

CODE 1987 § 7.10

Sec. 34-95. Order required before prosecution.

No prosecution shall be brought under section 34 93 and section 34 94 until the order provided for in section 34 58 is given and the party notified shall fail or refuse to comply with the order.

CODE 1987 § 7.11

Sec. 34-96. Storage of flammable liquids.

The limit s referred to in section 73 of the code adopted in this article, in which storage of flammable liquids in outside aboveground tanks is prohibited; the limits referred to in section 103 of the code adopted in this article, in which bulk. storage of liquefied petroleum gas is restricted; and the limits referred to in section 53b of the code adopted in this article, in which storage of explosives and blasting agents is prohibited, are established as the corporate limits of the city.

CODE 1987 § 7.22

Sec. 34-97. Modifications authorized.

The chief of the fire department shall have power to modify any of the provisions of the code adopted in this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of 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 shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

CODE 1987 § 7.24

Sec. 34-98. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted in this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of the decision appealed.

CODE 1987 § 7.25

Sec. 34-99. Penalties.

(a) Any person who shall violate any of the provisions of the code adopted in this article or fail to comply with such code, or who shall violate or fail to comply with any order made under such code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under such code, or any certificate of permit issued under such code and from which no appeal has been taken , or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor punishable as provided in section 1 14. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.

CODE 1987 § 7.26

Sec. 34.100 Permit to burn

Any person or organization within the City of East Tawakoni or its Extended Territorial Jurisdiction of this City must first obtain a Burn permit from any one of the following representative officials: City fire Marshall, East Tawakoni Volunteer Fire Department (ETVFD) Chief, ETVFD assistant Chief or Police Chief.

The Burn Permit shall be for a specific location on a specific day and the permit shall not be issued for a period to exceed 72 hours and shall not be exceeded. The fee for this permit shall be established by the City Council.

No burning shall take place upon any city easement property, which includes the ditch areas of the streets. Failure to first obtain a permit or violation of this ordinance in any way shall subject the person or organization to a fine not to exceeed$200.00 for each and every offense.

ADOPTED 7-20-2004

Sec. 34.101 Burning within City Limits.

From and after the passage of this ordinance, it shall be unlawful for any person, or entity, to knowingly and intentionally burn outdoors with the corporate city limits of the City of East Tawakoni, any waste or combustible material in violation of any of the rules and regulation of the Texas Commission on Environmental Quality, as such rules and regulations are adopted by such Commission pursuant to the previsions of the “Clean Air Act” of the state of Texas

Exception: Provided no local or state burn ban is in effect, outdoor burning shall be authorized for fires solely for recreational purposes, in the noncommercial preparation of food or used exclusively for the purpose of supplying warmth during cold weather. Any outdoor burning under this section shall be subject to the requirements §111.219 (7) of Title 30 of the Texas Administrative Code prohibiting the burning of electrical insulation, treated lumber, plastics, non – wood construction/ demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber.

Adopted 7-19-2005

**Permitted:**

1. For the onsite burning of trees, brush, grass, leaves, branch trimmings and other plant growth by the owner of the property or any other person authorized by the owner and when the material is generated only from the property where no practical alternative to burning exist.
2. For campfires not exceeding two (2) feet by two (2) feet and (2) feet in in height.
3. For burn piles (permitted #1) not exceeding three (3) foot at center and not more than five (5) foot in total width (edge to edge).

**Extinguished:** means the absence of any visible flame, glowing items, and / or the presence of smoke.

**Time to Burn:** All Controlled burns must be started at least 1 hour after sun rise and extinguished at least 1 hour prior to sunset. (Campfires Exempt)

**Controlled Burns:** The City of East Tawakoni shall allow “Controlled Burns” within the incorporated city limits that meet the following requirements/ restrictions.

1. There is not a burn ban in effect;
2. Wind Velocity is greater than 6 MPH but less than 15 MPH.
3. Controlled Burn is defined as on-site disposal of trees, limbs, branch, trimmings, leaves , brush or other lant residual from storm damage or from clean up.

**Other Conditions:** all controlled and campfire burns must be manned at all times and have Water available through a hose at the burn site (Connected and ready )

Then Police Department and Code Enforcement officer has authorization to make the call to extinguish any burn that violates this ordinance. The Fire Department is authorized to extinguish any burn at risk to person(s) or property that is left unattended.

**Penalty:** Any person, firm or corporation violating the provisions of this Ordinance shall be subject to a citation, penalties not to exceed $2000.00 per this Code of Ordinances, City of East Tawakoni.

AMENDED 12-20-2005

AMENDED 12-18-2021

Secs. 34-102 – 34-130. Reserved.

ARTICLE IV. FIREWORKS

Sec. 34-131. Definitions.

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

Fireworks means and includes any firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balls, star shells, gerbs, or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display and shall include all articles or substances within the commonly accepted meaning of fireworks whether specifically designated and defined in this article or not.

Person means and includes any natural person, association of persons, partnership, corporation, agent, or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, and administrators.

CODE 1987 § 9.10

Sec. 34 -32. Prohibited.

It shall be unlawful for any person to use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description.

CODE 1987 § 9.11

Sec. 34-133. Exceptions.

This article shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroad and which signal flares and torpedoes are received by and stored or transported by any such railroad for use in railroad operation. Nor shall this article apply to signal flares or rockets for military or police use.

CODE 1987 § 9.12

Sec. 34-134. Penalties.

Any person who shall use, discharge, cause to be discharged, ignite, detonate, fire, or otherwise set in action any fireworks shall be fined as provided in section 1 14. Any parent or guardian of any minor child below the age of 14 who permits or allows such minor child to use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks shall be fined as provided in section 1-14.

CODE 1987 § 9.13

Article IV. Fireworks

Sec. 34-135. Territorial applicability.

This article shall be applicable and in force throughout the territory of the city within its extraterritorial jurisdiction.

CODE 1987 § 9.14

Sec. 34-136. Sale of fireworks prohibited.

There shall be no form of fireworks sold, given, or otherwise distributed for commercial profit within the territory described in section 34-135**.**

CODE 1987 § 9.15