

Chapter 5

FIRE PREVENTION AND PROTECTION*

***Cross references**—Buildings and building regulations, ch. 4; burning cotton burs prohibited, § 8-3; mobile home parks, ch. 9; oil and gas wells, ch. 11; burning near buildings, § 15-6; burning leaves and rubbish, § 15-7; burning refuse and garbage, § 15-8; controlled outside burning, § 15-9.

State constitution reference—Payment of assistance to survivors of firefighters, Art. III, § 51-d.

State law references—Automobile liability coverage for firefighters, Vernon's Ann. Civ. St. art. 999e, V.T.C.A., Local Government Code § 142.006; fire escapes, V.T.C.A., Health and Safety Code § 791.001 et seq.; hazardous substances, V.T.C.A., Health and Safety Code § 501.001 et seq.; flammable liquids, V.T.C.A., Health and Safety Code § 753.001 et seq.; commission on fire protection personnel standards and education, V.T.C.A., Government Code § 416.001 et seq.; fire detection and alarm devices, V.A.T.S. Insurance Code, art. 5.43-2; fire protection sprinkler systems, V.A.T.S. Insurance Code, art. 5.43-3; fireworks, V.A.T.S. Insurance Code, art. 5.43-4; municipal fire protection, V.T.C.A., Local Government Code § 342.001 et seq.; liquefied petroleum gas, V.T.C.A., Natural Resources Code § 113.001 et seq.; arson, V.T.C.A., Penal Code § 28.02.



Sec. 5-1. Arson reward.

The city offers a reward of \$250.00 to anyone who furnishes information leading to the arrest and conviction of any person found guilty of arson committed within the city. This reward is a standing offer and shall be paid out of the general fund of the city.

(Ord. No. 01-10-90, § I, 10-22-90)

Sec. 5-2. Driving over a fire hose.

It shall be unlawful for any person to drive and/or direct a motor vehicle over a fire hose that might be in any street, alley, lot, or private property, within the city.

(Ord. of 1-18-52(1), § 1)

Sec. 5-3. Following firefighting vehicles prohibited.

It shall be unlawful for any vehicle, except emergency vehicles, to follow a fire engine, while en route to a fire, or emergency call, within the city.

(Ord. of 1-18-52(2), § 1)

Sec. 5-4. Parking vehicles near burning structures.

(a) It shall be unlawful for any person to drive or park an automobile, or other motor-drawn vehicle nearer than two blocks of any burning structure within the city.

(b) The provisions of this section shall not apply to actual members of the volunteer fire department.

(Ord. of 12-4-39, §§ 1, 2)

Cross reference—Vehicles and traffic, ch. 18.

Sec. 5-5. Hazardous buildings.

(a) *Building hazard inspection committee created; purpose; composition.* There is hereby created a building hazard inspection committee, to be an agency and instrumentality of the city to aid and assist the city in the protection of the lives and property of its citizens under its charter powers. The committee shall consist of the director of public works, the chief of the fire department of the city, and the fire marshal of the city. In the absence of the director of public works, or at any time when he is unable to act, the assistant director of public works may act in his place. In like manner, the assistant chief or any deputy chief of the fire department may act in the place of the chief, and the assistant fire marshal may act in the place of the fire marshal.

(b) *Investigation.* Whenever the city council shall receive information that any building situated within the city constitutes a serious fire hazard to life and property due to the construction of the building, the use or occupancy of it, or due to any other condition whatsoever, or that a building or structure is dilapidated or dangerous to life and property, the city council shall, by motion, direct the building hazard inspection committee to investigate the building, report the facts found by it, and make recommendations thereon.

(c) *Hearing and inspection.* Upon the passage of such motion, the building hazard inspection committee shall forthwith set a time, date, and place for the holding of a hearing and inspection of the building. It shall give the owners, occupants, lessee, or other party interested in the building (hereinafter called the owner, whether one or more, and regardless of actual interest in the building) a notice in writing by United States mail of the time, date, and place of the hearing, and the purpose of the hearing, at least 48 hours prior to the date fixed for the hearing. Such notice shall inform the owner that he has a right to be present at such hearing and to examine or cross-examine witnesses. If the owner of the building is unknown or cannot be found in the city, the building hazard inspection committee shall cause such notice to be given by advertising same in the daily newspaper published within the city at least two times. The first publication shall be at least ten days prior to the date set for hearing by the building hazard inspection committee or the city.

(d) *Procedure for hearings.* The building hazard inspection committee shall hold such hearings at the time, date, and place set by it. The city attorney, if requested, shall be present to advise the committee on legal matters and assist it in the examination of witnesses. During the course of the hearing, or subsequent thereto, and prior to the filing of its report, the building hazard inspection committee shall inspect the building in question. The committee shall determine the facts relative to such buildings and shall file a full report of the same to the city council. Each report shall embrace, among others the following fact findings:

- (1) The fire zone in which the building is located.
- (2) The names of any parties interested in the building as owner, occupant, lessee, lienholder, or by virtue of any other claim, if the names of such parties can be ascertained.
- (3) A description of the general type and construction of such building, and the occupancy use made of it.
- (4) The existence of such building or conditions rendering such building, or the use being made thereof, is a serious fire hazard to life and property, or that such building or structure is dilapidated or dangerous to life and property, and setting forth the conditions in detail.
- (5) In such report, if the building hazard inspection committee has found facts showing that the building constitutes a serious fire hazard to life and property, or that the building or structure is dilapidated or dangerous to life and property, the committee shall recommend to the council such measures, if any, as can be taken to remove such fire hazard or building or structure that is dilapidated or dangerous to life and property, and render the building safe. If the building hazard inspection committee finds that the building constitutes a serious fire hazard to life and property or that the building or structure is dilapidated or dangerous to life and property, and that the condition cannot be corrected, the committee shall so state in its report to the

city council. A copy of the report shall be given or mailed to the owner, together with the probable time and date that the city council will consider such report.

(e) *Consideration of report by council; removal or repair of building.* The city council shall receive such report and consider same at its first regular or special meeting thereafter or as soon as practicable. The owner shall be entitled at such meeting to be heard on the matters contained in the report and to present witnesses to council, and shall be entitled to obtain the necessary process to summon such witnesses. They shall also hear such other witnesses and consider such other facts as may be deemed necessary by them to arrive at proper conclusions concerning such building. Should the city council conclude that the facts show that the building constitutes a serious fire hazard to life and property or that the building or structure is dilapidated or dangerous to life and property, but that measures can be taken to remove the dangerous conditions and render the building safe, it shall specify the measures necessary to correct the dangerous conditions and shall order the owner, by ordinance, to take such measures and correct such conditions, setting forth the time in which such work is to be accomplished by him. The owner may, at his discretion, instead of complying with such order, completely demolish and remove the building. If the city council should conclude that the facts show that the conditions are rendering the building a serious fire hazard to life and property, or that the building or structure is dilapidated or dangerous to life and property and cannot be corrected by any measures, it shall find and declare the building to be a nuisance, and shall order the owner, by ordinance, to proceed forthwith and within a specified time to demolish and remove the building. A copy of the ordinance embodying the final decision and orders of the city council shall be mailed or delivered to the owner by the city clerk.

(f) *Failure of owner to comply with orders of city council.* If the owner fails to comply with the orders of the city council within the time specified in such orders, and such time is not extended by the city council, the city attorney is authorized and directed to file suit in the property court against such owner and obtain the necessary orders and process of the court to enforce the orders of the city council.

(Ord. No. 1502, § 1, 9-14-71)

Cross reference—Unfit dwellings and buildings, § 4-121 et seq.

