

CHAPTER 5

FIRE PROTECTION*

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* State Law reference—Authority of city to establish fire regulations, V.T.C.A., Local Government Code, § 342.003.

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ARTICLE 5.100 FIRE PREVENTION CODE ADOPTED

(a) NFPA 1, Uniform Fire Code, 2006 edition, and documents adopted by Chapter 2, one (1) copy of which is on file and is open to inspection by the public in the office of the building inspector of the village, are hereby adopted and incorporated into this article as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the village. The same are hereby adopted as the code of the village for the purpose prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.

(b) Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by fire marshal or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable as outlined in Section 1.106 of the code. 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 the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

(Ordinance 08-02-01 adopted 2/19/08)

ARTICLE 5.200 FIRE MARSHAL DUTIES AND RESPONSIBILITIES

(a) Enforcement Authority. The fire marshal of Tiki Island, Texas Fire Department shall be responsible for the enforcement of the Tiki Island Fire Code. (Ordinance 3-92-1, Section 3, adopted 3/10/92)

(b) General Duties. It shall be the duty of the fire marshal of the Village of Tiki Island to enforce all laws and ordinances of the Village of Tiki Island, Texas, covering the following:

- (1) The prevention of fires;
- (2) The storage, sale, and use of combustible, flammable or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;

- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
- (6) The investigation of the cause, origin, and circumstances of fires;
- (7) The maintenance of fire cause and loss records.

He shall have such other powers and perform such other duties as are set forth in other sections of this article, and as may be conferred and imposed from time to time by law. (Ordinance 3-92-1, Section 4, adopted 3/10/92)

(c) Investigations. The fire marshal shall investigate the cause, origin, and circumstances of every fire occurring in the Village of Tiki Island, Texas by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. He shall begin immediately upon the occurrence of such a fire. The fire marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing by the fire marshal within five (5) days after the occurrence of the same. Such report shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death, or rescue of persons. (Ordinance 3-92-1, Section 5, adopted 3/10/92; Ordinance adopting Code)

(d) Permit Issuance. Before permits may be issued as required by this article, the fire marshal shall inspect and approve the receptacles, processes, vehicles, building, or storage places to be used for any such purposes. (Ordinance 3-92-1, Section 6, adopted 3/10/92)

(e) Inspections. The fire marshal shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire. (Ordinance 3-92-1, Section 7, adopted 3/10/92)

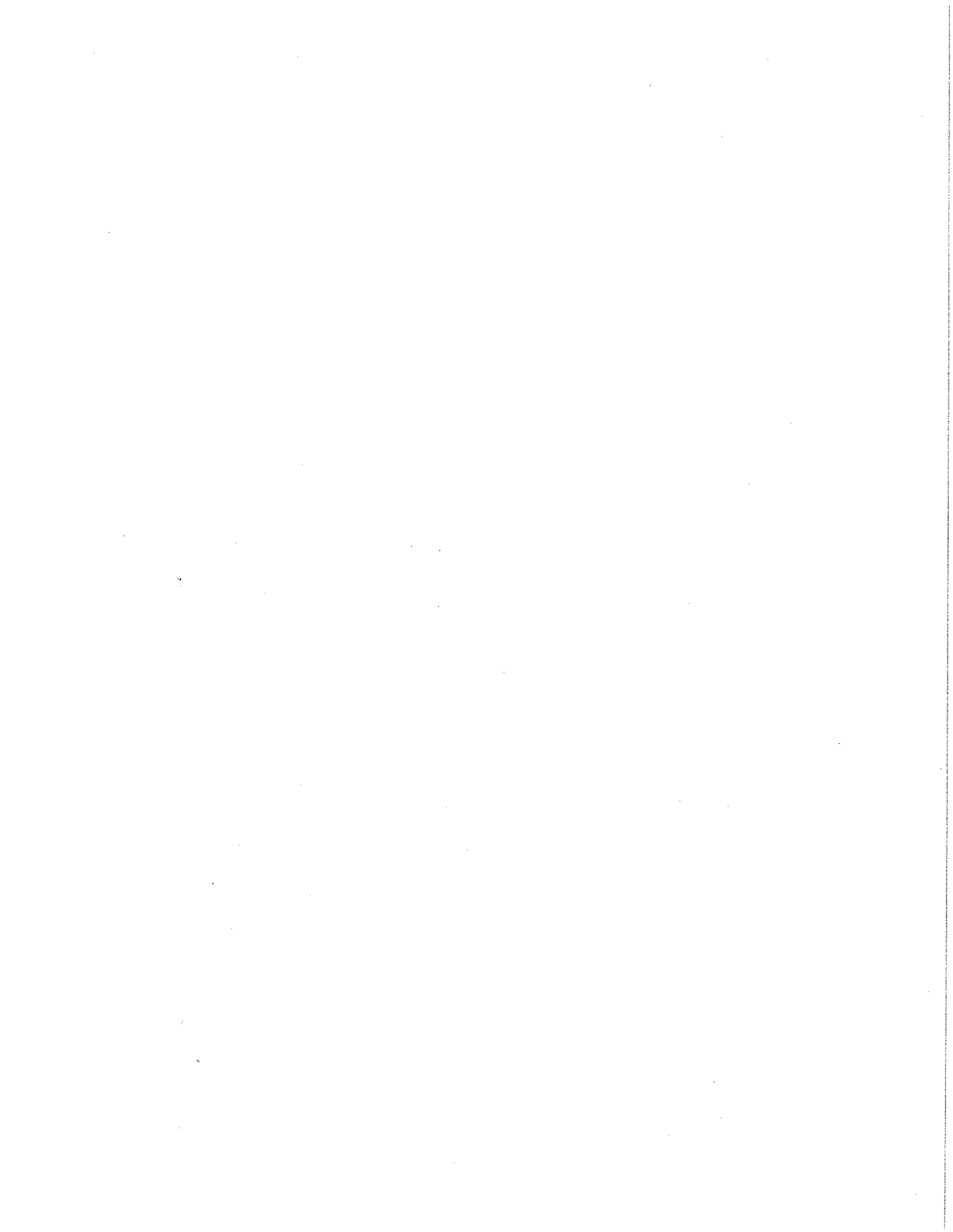
(f) Fire Hazards. Whenever the fire marshal shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wax paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or

windows, liable to interfere with the operations of any fire fighting unit or egress of occupants in case of fire, the fire marshal shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Tiki Island Fire Code. (Ordinance 3-92-1, Section 8, adopted 3/10/92)

(g) Recordkeeping Duties. The fire marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, statistics as to the extent of such fires and the damage cause thereby, and whether such losses were covered by insurance, and if so, in what amount. All such records shall be public. (Ordinance 3-92-1, Section 9, adopted 3/10/92)

(h) Annual Report to Board of Aldermen. The fire marshal shall make an annual report of his activities to the board of aldermen at its regular meeting in September of each year. (Ordinance 3-92-1, Section 10, adopted 3/10/92)

(i) Recommendations by Fire Marshal. The fire marshal shall also recommend any amendments to the Tiki Island Fire Code or ordinance that shall be desirable. (Ordinance 3-92-1, Section 11, adopted 3/10/92)



(j) Applicability of Provisions. The provisions of the Tiki Island Fire Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified. (Ordinance 3-92-1, Section 12, adopted 3/10/92)

(k) Exercise of Police Power. This article shall be deemed in exercise of the police powers of the Village of Tiki Island, Texas, for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Tiki Island Fire Code shall be liberally construed for that purpose. (Ordinance 3-92-1, Section 13, adopted 3/10/92)

(l) Penalty for Violations. Any person who shall violate any of the provisions of the article hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ordinance 3-92-1, Section 14, adopted 3/10/92)

(m) Board of Appeals. A board of appeals is hereby established consisting of three (3) members and two (2) alternate members who shall be appointed by the mayor by reason of education, experience, and knowledge, and are deemed to be competent to sit in judgment on matters concerning the Tiki Island Fire Code and its enforcement. The members shall serve for a term of two (2) years, except for the initial appointees who shall serve as follows: one (1) for a term of one (1) year; one (1) for a term of two (2) years; and one (1) for a term of three (3) years. (Ordinance 10-04-01, adopted 10/19/04)

(n) Adoption of Appendices. The following Appendixes of NFPA 1, Fire Prevention Code of the National Fire Protection Association, are hereby included as a part of this Jurisdiction's Tiki Island Fire Code. The same are hereby adopted and incorporated as fully as if set out at length herein. (Ordinance 3-92-1, Section 16, adopted 3/10/92)

(o) Fees. The following fees shall be established for the permits, certificates, approvals, and other functions performed under this article and shall be payable to the Village of Tiki Island, Texas. Such fees shall accompany each application for such permit, approval, certificate, or other fee related provision. (Ordinance 3-92-1, Section 17, adopted 3/10/92)

ARTICLE 5.300 ARSONIST INFORMATION REWARD*

(a) The village hereby offers a reward of five hundred dollars (\$500.00) to any person providing information which leads to the arrest and conviction of any person found guilty of committing the crime of arson within the corporate limits of the village. This reward is a standing offer and shall be paid out of the general fund.

* State law reference—Arson, V.T.C.A., Penal Code, sec. 28.02.

(b) The village board of aldermen shall be the sole and exclusive judge in determining whether or not a person or persons are entitled to such reward. The decision rendered by the board of aldermen shall be final. (Ordinance adopting Code)