

## CHAPTER 91: FIRE PREVENTION AND PROTECTION

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## **GENERAL PROVISIONS**

### **§ 91.01 CITY ATTORNEY, POLICE DEPARTMENT TO ASSIST IN INVESTIGATION OF FIRES.**

The City Attorney and the Police Department, upon request of the Fire Marshal, shall assist any state inspectors in the investigation of any fire which, in their opinion, is of suspicious origin.  
(`97 Code, § 6-1)

### **§ 91.02 ARSON REWARD.**

The city offers a reward in an amount as established by City Council from time to time for the arrest and conviction of any person for the crime of arson committed within the city. This reward is a standing offer and shall be paid out of the General Fund of the city.  
(`97 Code, § 6-2)

### **§ 91.03 FIREWORKS.**

(A) *Sale of fireworks.* The City Council declares the sale of fireworks unlawful and prohibits the sale of fireworks within the city's limits.

(B) *Possession and discharge of fireworks; permit.* The City Council declares the possession of fireworks or discharge of fireworks within the city to be unlawful, including, but not limited to the transportation of fireworks through the city, except where a special permit has been issued by the City Council and approved by the City Fire Marshal.  
(`97 Code, § 6-3) (Ord. 1995-I, passed 7-11-95) Penalty, see § 91.99

**§ 91.04 FIRE PROTECTION AND EMERGENCY SERVICES.**

(A) *Collection of fees.*

(1) The Chief of the Fire Department, or his or her designee, shall collect all fees for fire prevention and protection services and for other public safety and emergency services rendered by the Department. The fees include, but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the City Fire Department for services actually rendered and as hereinafter authorized.

(2) Within 30 days of the date of providing fire prevention and protection services or other public safety and emergency services, the Chief of the Fire Department, or his or her designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, in the minimum amount set forth in the schedule set forth in Appendix A to Ordinance 1999-A which will be on file in the office of the City Secretary, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefitted from these services.

(3) Any bills, fines or penalties, including, but not limited to clean up costs, fees or expenses that are imposed upon the city or the Fire Department by any local, state or federal agency, related to the rendering of fire protection or prevention services or for other public safety and emergency services, may be included in the billing or billed separately within 30 days of receipt.

(4) Any fees or expenses billed by the Chief, or his or her designee, shall be payable in full within 60 days of the date of the invoice. Failure to timely make payment may result in the accumulation of interest on any unpaid balances at the rate of 10% per annum for any unpaid balances.

(B) *Fee schedule.* Fees and expenses shall be billed in accordance with the “Fee Schedule” set forth in Appendix A to Ordinance 1999-A, which is on file in the office of the City Secretary and incorporated herein by reference as if fully set forth herein.

(C) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereunder, including reasonable and necessary attorney’s fees, costs and expenses, in a court of competent jurisdiction.  
(Ord. 1999-A, passed 1-12-99)

***FIRE MARSHAL*****§ 91.15 OFFICE CREATED.**

The office of Fire Marshal is created. The office shall be independent of other city departments, and the Fire Marshal shall report directly to the Mayor and City Council.

(`97 Code, § 6-21)

**§ 91.16 INVESTIGATION OF FIRES GENERALLY.**

The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring in the city which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. The investigation shall be begun immediately upon the occurrence of such a fire. If it appears that the fire is of suspicious origin, 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.

(`97 Code, § 6-22)

**§ 91.17 TAKING OF TESTIMONY.**

The Fire Marshal, when in his or her 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 cause the same to be reduced to writing.

(`97 Code, § 6-23)

**§ 91.18 AUTHORITY TO SUMMON WITNESSES, REQUIRE PRODUCTION OF EVIDENCE AND ADMINISTER OATHS.**

The Fire Marshal or any of his or her deputies shall have the power to summon and compel the attendance of witnesses before him or her to testify in relation to any matter which is, by the provisions of this chapter, a subject of inquiry and investigation and may require the production of any book, paper or document deemed pertinent thereto. The Fire Marshal is authorized and empowered to administer oaths and affirmations to persons appearing as witnesses before him or her.

(`97 Code, § 6-24)

**§ 91.19 PRIVATE INVESTIGATIONS; SEQUESTERING WITNESSES.**

All investigations held by or under the direction of the Fire Marshal may, in his or her discretion, be private. Persons other than those required to be present may be excluded from the place where the 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.

(`97 Code, § 6-25)

**§ 91.20 DUTY WHEN EVIDENCE INDICATES CRIME.**

If the Fire Marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, with the attempt to commit the crime of arson, of conspiracy to defraud or criminal conduct in connection with any fire, he or she shall cause the person to be lawfully charged with the offense or either of them. The Fire Marshal shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him or her, including a copy of all pertinent and material testimony taken in the case.

(`97 Code, § 6-26)

**§ 91.21 MISCONDUCT OF SUMMONED WITNESSES.**

Any witness who refuses to be sworn, who refuses to appear or testify, who disobeys any lawful order of the Fire Marshal, who fails or refuses to produce any book, 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 an investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation, shall be deemed guilty of a violation. It shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted.

(`97 Code, § 6-27) Penalty, see § 91.99

**§ 91.22 INSPECTION OF PREMISES; REMOVAL OR REPAIR OF DANGEROUS CONDITIONS.**

The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent thereto, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his or her duty, quarterly or more often, to enter upon and make or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he or she shall find any building or other structure which, for want of repair, 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 therein, and whenever he or she 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 the same 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, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighter or occupants, he or she shall order the same to be removed or remedied, and the order shall be forthwith complied with by the owner or occupant of the building or premises. If the owner or occupant deems himself or herself aggrieved by the order, he or she may, within five days, appeal to the Mayor, who shall investigate the cause of the complaint and, unless by his or her authority the order is revoked, the order shall remain in force and be forthwith complied with by the owner or occupant. Any owner or occupant who fails to comply with the notice shall be guilty of a violation. ('97 Code, § 6-28) Penalty, see § 91.99

### **§ 91.23 RIGHT OF ENTRY.**

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 or her by the provisions of this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion. The Fire Marshal may also, at all reasonable hours, enter any building or premises for the purpose of making any inspection or investigation which under the provisions of this chapter he or she may deem necessary to be made.

('97 Code, § 6-29)

*Statutory reference:*

*Search warrants for inspections required in certain instances, see Tex. Code Crim. Proc.,  
Art. 18.05*

### **§ 91.24 RECORDS.**

The Fire Marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss which may be determined by the investigation required by this chapter.

('97 Code, § 6-30)

**§ 91.25 REPORTS TO STATE FIRE MARSHAL.**

At the end of each month, the Fire Marshal shall report to the State Fire Marshal all existing hazardous conditions, together with separate report on each fire in the city during the month.  
(`97 Code, § 6-31)

***FIRE CODE*****§ 91.35 UNIFORM FIRE CODE ADOPTED; AMENDMENTS.**

(A) *Adopted.* The 1991 version of the Uniform Fire Code is adopted in its entirety.

(B) *Amendments.*

Section 10.105(a), shall be amended as follows: “Fifteen feet (15’) of clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the chief.”

Section 10.208, entitled “Premises Identification” of Article 10 of the Uniform Fire Code is amended by repealing Section 10.208 and substituting a new Section 10.208 thereto which shall read as follows:

Premises Identification:

(a) All buildings shall have a street address posted in a conspicuous place on the front and rear of the building in three inch numbers so that it is visible from the street and/or fire lane. Numbers will contrast with the building. No written numbering system shall be used on any building in the city.

(b) On all buildings having more than one building at a given location, each building will have a three inch number posted in a conspicuous place visible from the street and/or fire lane. Numbers will contrast with the building.

(c) All apartments will have a street number posted in three inch numbers in a conspicuous place that is visible from the street and/or fire lane. All apartment complexes with separate units will have the address, i.e., starting and ending apartment numbers for each separate unit, posted in three inch numbers for each separate unit, in a conspicuous place visible from the street and/or fire lane. Numbers will contrast with the building.

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(d) All residential dwellings will have three inch numbers posted in a conspicuous place on the front of the house to be visible from the street. These numbers will be of contrasting color readily visible from the street. All residential dwellings with rear entry drives will also post a street number on the front and rear of the house in three inch numbers in a conspicuous place of contrasting color to be visible from the street and alleyway.

(e) When a residential garage faces an alley, the three inch numbers shall be posted in a conspicuous place over the garage door. If the alley exists but there is no garage, the numbers must be affixed to the rear of the structure so that they are visible and legible from the alley. If the event there is no alley, numbers shall be posted on the front of the house only.

Article 78 entitled "Fireworks" of the Uniform Fire Code is hereby amended as follows:

Section 78.102. Definition of Fireworks - for definition refer to Section 9.108.

Section 78.103. Manufacturing, Sale and Discharge. It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, to have in his or her possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action fireworks of any description. This provision shall not apply to starter blanks and pistols used at athletic events.

Section 78.104. Illegal Fireworks--Nuisance, Seizure and Destruction. The presence of any fireworks within the City of Cockrell Hill is in violation of this Article is hereby declared to be a common and public nuisance. The Fire Marshal is directed and required to seize and cause to be safely destroyed any fireworks found in violation of this Article. Notwithstanding any penal provision of this Article, the City's Attorney is authorized to file suit on behalf of the City or the Fire Marshal or both, for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the City and to aid the Fire Marshal in the discharge of his or her duties and to particularly prevent any person from interfering with the seizure and destruction of fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.

Section 78.105. Right of Entry to Enforce Article. For right of entry refer to Section 2.107.

Section 78.106.

(a) Permitted Displays. The provisions of this Article shall not apply to a public display of fireworks upon receipt of a permit for such entertainment.

(b) A permit may be issued by the City Council, upon recommendation of the Fire Marshal, for a public display when the requirements of the State of Texas Fireworks Rules have been met and proof of a valid State of Texas Pyrotechnic Operators License and public display permit have been presented.



(c) The permit issued is non-transferrable and shall expire upon termination of the single display at the time and day listed on the permit.

(d) A completed application for a permit must be received by the Fire Marshal at least fourteen (14) days before the date the display is to be conducted.

(e) No permit shall be issued for a public display to be conducted within a building.

(f) Permits shall be issued on a no charge basis to the permittee. Said person is responsible for complying with the requirements of this section.

Section 78.107. Resolution of Conflicts Between Uniform Fire Code and City Ordinance. The provisions of Section 3 of this Ordinance on fireworks [§ 91.03] supersede this Article of the Uniform Fire Code in the event of any conflict between material provisions.

(`97 Code, § 6-51) (Ord. 1995-B, passed 2-28-95; Am. Ord. 2000-F, passed 6-13-00; Am. Ord. 2001-D, passed 2-27-01)

#### § 91.36 DEFINITION.

Wherever the word *MUNICIPALITY* is used in the code adopted by this subchapter, it shall be held to mean the city.

(`97 Code, § 6-52)

#### § 91.37 ENFORCEMENT.

The code adopted by this chapter shall be enforced by the Fire Marshal.

(`97 Code, § 6-53)

#### § 91.38 MODIFICATIONS.

The Fire Marshal shall have power to modify any of the provisions of the code adopted by this subchapter upon application in writing by the owner or lessee, or his or her 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 the modification, when granted or allowed, and the decision of the Fire Marshal thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished the applicant.

(`97 Code, § 6-54)

**§ 91.39 APPEALS.**

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for under the code adopted by this subchapter, or when it is claimed that the provisions of the code 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 Fire Marshal to the City Council within 30 days from the date of the decision appealed.

(`97 Code, § 6-55)

**§ 91.40 VIOLATIONS.**

(A) Any person who shall violate any of the provisions of the code adopted by this subchapter or fail to comply therewith, who shall violate or fail to comply with any order made thereunder, who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or 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 the City Council or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every violation and noncompliance respectively, upon conviction be punished pursuant to § 10.99. 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 the 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 the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(`97 Code, § 6-56) Penalty, see § 10.99

***SMOKE DETECTORS*****§ 91.50 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APARTMENT HOUSE.*** A dwelling capable of containing three or more families or individuals in three or more separate living areas.

**RESIDENTIAL DWELLING.** A structure capable of containing one family for residential purposes.

**RESIDENTIAL DWELLING DUPLEX.** A dwelling capable of containing two families for residential purposes.

**SMOKE DETECTORS.** Instruments which are capable of detecting smoke that may be the result from combustion of materials.

(`97 Code, § 6-101) (Ord. 1977-A, passed 3-17-77)

#### **§ 91.51 NEW RESIDENTIAL DWELLINGS.**

Each new residential dwelling shall be constructed so that each sleeping area shall have a minimum of one smoke detector. If any two or more sleeping areas of the residential dwelling are separated and are in different locations of the residential dwelling, a smoke detector shall be installed in each sleeping area.

(`97 Code, § 6-102) (Ord. 1977-A, passed 3-17-77)

#### **§ 91.52 DWELLINGS UNDER CHANGE OF OWNERSHIP OR OCCUPANT.**

Upon a change of ownership or change of occupant in a residential dwelling, the owner shall cause to be installed a smoke detector in the dwelling pursuant to the requirements for an existing residential dwelling as set out in § 91.51.

(`97 Code, § 6-103) (Ord. 1977-A, passed 3-17-77)

#### **§ 91.53 NEW RESIDENTIAL DUPLEXES.**

Each new residential dwelling duplex shall be constructed so that each sleeping area shall have a minimum of one smoke detector. If any two or more sleeping areas of the residential dwelling duplex are separated and are in different locations of the residential dwelling duplex, a smoke detector shall be installed in each sleeping area.

(`97 Code, § 6-104) (Ord. 1977-A, passed 3-17-77)

#### **§ 91.54 DUPLEXES UNDER CHANGE OF OWNERSHIP OR OCCUPANT.**

Upon a change of ownership or change of occupant in a residential dwelling duplex, the owner shall cause to be installed a smoke detector in the dwelling pursuant to the requirements for an existing residential dwelling duplex as set out in § 91.53.

(`97 Code, § 6-105) (Ord. 1977-A, passed 3-17-77)

**§ 91.55 APARTMENT HOUSES.**

(A) All apartment houses shall have smoke detectors installed at a point centrally located in the area giving access to rooms used for sleeping purposes.

(B) All apartment houses now existing shall have a maximum completion time of two years within which to install smoke detectors as provided for in division (A) of this section. Within the first year, 50% of the dwelling units within each apartment house shall have installation of smoke detectors completed. The time period for this installation shall begin upon the effective date of the ordinance from which this division was derived.

(`97 Code, § 6-106) (Ord. 1977-A, passed 3-17-77)

**§ 91.56 INSTALLATION.**

All smoke detectors which shall be installed pursuant to this subchapter shall be located within 12 inches of the ceiling. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of each smoke detector. When actuated, the smoke detectors shall provide an alarm.

(`97 Code, § 6-107) (Ord. 1977-A, passed 3-17-77)

**§ 91.57 SPECIFICATIONS.**

All smoke detectors installed shall be approved smoke detectors of products of combustion other than heat, listed by Underwriter's Laboratories, Inc., or C.S.A. and permanently connected to a standard 120-volt a.c. electrical outlet.

(`97 Code, § 6-108) (Ord. 1977-A, passed 3-17-77)

**§ 91.58 INJUNCTIVE RELIEF.**

In the addition to and cumulative of all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this subchapter.

(`97 Code, § 6-110) (Ord. 1977-A, passed 3-17-77)

*SPRINKLER SYSTEMS***§ 91.70 DEFINITION.**

For the purposes of this subchapter, the term *MULTI-FAMILY DWELLING* shall mean any structure which is designed, constructed or used for occupancy by three or more families.

(`97 Code, § 6-126) (Ord. 1984-C, passed 7-24-84)

**§ 91.71 REQUIRED FOR MULTI-FAMILY DWELLINGS.**

(A) An automatic fire protection sprinkler system shall be required in all dwellings designed or constructed for use as multi-family dwellings.

(B) The provisions of division (A) of this section shall be applicable to all multi-family dwellings which are under construction or which are constructed after August 15, 1984.

(C) There shall be no requirement for an automatic fire protection sprinkler system to be installed in any multi-family dwelling unit for which a certificate of occupancy has been issued prior to the effective date of the ordinance from which this subchapter was derived; however, an automatic fire protection sprinkler system shall be required prior to the issuance of a certificate of occupancy for any multi-family dwelling unit which is substantially destroyed or demolished by a fire or other cause after the effective date of this subchapter. For the purposes of this section, a multi-family dwelling unit shall be considered to be substantially destroyed or demolished if the cost to repair the damage to the structure exceeds 50% of the fair market value of the structure immediately prior to the damage.

(`97 Code, § 6-127) (Ord. 1984-C, passed 7-24-84)

**§ 91.72 SPECIFICATIONS.**

The automatic fire protection sprinkler system required to be installed pursuant to this subchapter shall conform to the specifications set forth in Ordinance No. 18124, effective July 11, 1984, of the City of Dallas, Texas.

(`97 Code, § 6-128) (Ord. 1984-C, passed 7-24-84)

**§ 91.99 PENALTY.**

The violation of any provision of this chapter shall, upon conviction, be punished pursuant to § 10.99.

(`97 Code, §§ 6-109 and 6-129) (Ord. 1977-A, passed 3-17-77; Am. Ord. 1984-C, passed 7-24-84)

