

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2006-D

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 91, "FIRE PREVENTION AND PROTECTION CODE," SECTION 91.15 RELATIVE TO THE OFFICE OF THE FIRE MARSHAL; SECTION 91.22 RELATIVE TO THE INSPECTION OF PREMISES AND REMOVAL OR REPAIR OF DANGEROUS CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 91, Sections 91.15 – 91.25 of the Code of the City of Cockrell Hill, Texas ("Code"), set forth the powers and duties of the Fire Marshal; and

WHEREAS, the City Council of the City of Cockrell Hill ("City") finds that the Fire Marshal's duties should be amended to include the inspection and examination of all building and premises parking to determine compliance with State and City requirements; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 91, Sections 91.15 and 91.22 of the Code to provide for parking inspections by the Fire Marshal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 91, Section 91.15, is hereby amended to read as follows:

"§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. The Mayor and Council shall set the salary of the Fire Marshal."

Section 3. The Code of Cockrell Hill, Chapter 91, Section 91.22, is hereby amended to read as follows:

“§ 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. As part of the examination of the premises, the Fire Marshal shall ensure compliance with all state and city parking requirements, including, but not limited to, fire lanes. 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 or 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 (5) days, appeal to the City Administrator, 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.”

Section 4. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 24th day of January, 2006.



C. P. Slayton, Mayor

ATTEST:

John Hubbard, City Administrator

APPROVED AS TO FORM:

Robert F. Brown, City Attorney