

CHAPTER 72: FIRE PREVENTION REGULATIONS

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Fire Prevention Regulations¹

§ 72.20 Adoption of International Fire Code

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the 2012 International Fire Code shall be adopted in its entirety as published; including the following appendices: Appendix B (Fire Flow Requirements), Appendix C (Fire Hydrant locations and spacing), Appendix D (Fire apparatus roads) and Appendix J (Building location and address location). A copy of such code is on file in the office of the City Secretary. The provisions of the International Fire Code shall be controlling and apply to the repair, equipment, use and occupancy, and maintenance of every existing building or structure within the City.

(Ordinance No. 2016-01-21B)

§ 72.21 Code Enforcement

The code hereby adopted shall be enforced by the Fire Marshall. The Fire Marshall shall be a certified peace officer.

§ 72.22 Definitions

Whenever the word "applicable governing body" is used in the code hereby adopted, it shall be held to mean the City of Overton.

§ 72.23 Conflicts with Code

Whenever the International Fire Code conflicts with any other provision of this Code of Ordinances or any other City ordinance, state or federal law, such code provision, ordinance, or state or federal law shall be controlling.

§ 72.24 Modifications to Code

The Fire Marshal shall have power to modify any of the provisions of the International Fire Code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties to 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 Fire Marshal thereon shall be submitted to the City Secretary and a signed copy shall be furnished the applicant.

¹ **State law reference** -- Authority to enforce ordinances to protect health, life and property, V.T.C.A., Local Government Code, § 54.001. Authority to regulate for the purpose of fire prevention and protection of persons and property from fires, V.T.C.A., Local Government Code, Chapter 342, Subchapter A. Authority of city to establish fire regulations, V.T.C.A., Local Government Code, §§ 342.002 - 342.003.

§ 72.25 Appeals

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, 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 Manager then the City Council within ten (10) days from the date the permit is refused or a decision is made regarding the applicability of the provisions of such code.

§ 72.26 Delaying Firemen

It shall be unlawful for any person to willfully delay or prevent any fireman from attending any fire or in any manner hinder any fireman.

§ 72.27 Fire Lanes

It shall be the duty of the Fire Marshall to establish fire lanes during any fire when in his judgment it becomes necessary or advisable, and to prohibit anyone from going within such fire lanes except as authorized by some member of the fire or police department, and when such fire lanes are established it shall be the duty of all other persons to remain on the outside thereof.

§ 72.28 Obstructing Fire Station

It shall be unlawful for anyone to obstruct in any manner the access way to and from any fire station.

§ 72.29 Smoking In Places of Public Assemblage

It shall be unlawful for any person to smoke in any theater, church, meeting room, auditorium, tent, or other place of public assemblage with a capacity of twenty five (25) or more persons.

§ 72.30 Destruction of Buildings

The Fire Department may, in the course of attempting to extinguish a fire, may destroy buildings deemed hazardous by the Fire Marshall and/or the fire inspector. Such destruction and the payment of damages, if any is to be made, shall be done in accordance with the provisions of V.T.C.A., Local Government Code, § 342.005.

§ 72.31 Liability of Firemen for Property Damage

No volunteer fireman or volunteer fire department in this state shall be liable to any person for any damage done to his property resulting from the volunteer fireman's or volunteer fire departments reasonable and necessary action in fighting or extinguishing any fire on the property.

§ 72.32 Penalties for Violations

Any person who shall violate any of the provisions of the code 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 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 such violation and noncompliance, respectively, be guilty of a misdemeanor.

Fireworks²

§ 72.40 Selling or Shooting Fireworks Prohibited

It shall be unlawful for any person, firm, or corporation to manufacture, sell, use, store, or explode any fireworks within the City of Overton, Texas, except as provided in § 73.43.

§ 72.41 Fireworks Defined

The term "fireworks" shall mean any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. "Fireworks- include firecrackers, sky-rockets, Roman candies, sparklers or other similar devices.'Fireworks' shall not include auto flares or paper caps/ and/ toy guns (provided such caps contain twenty-five hundredths of a grain of *explosive*).

§ 72.42 Public Displays; Indemnity Bond; Storage Requirements

(a) Fireworks as provided in this chapter may be used, shot, ignited and displayed in open lots or as a part of the conduct of a play, circus or similar entertainment by public authorities or by private persons or organizations that have been granted a permit for such display by the City Manager. Applications for permits shall be made in writing at least 30 days in advance of the date of the display. Each application for such a permit shall be referred to the City Fire Marshal who shall inspect said location. If the Fire Marshal shall report that the location is unobjectionable relative to fire hazards and safety, he may issue said permit upon the receipt of a permit fee as provided for in the Schedule of Fees found in Appendix A of this Code. Such permit may be granted for a period not to exceed six (6) days, and shall specify the name and address of the applicant or applicants, or the principal officers thereof if a corporation or association; the location where said fireworks are to be used; the exact time when such fireworks are to be used and the nature of the occasion; and a list of the fireworks to be used. A copy of each permit shall be filed in the office of the City Secretary. No permit granted hereunder shall be transferable.

² **State law reference** -- Authority of city to prohibit or regulate fireworks, V.T.C.A., Local Government Code, § 342.003(a)(8) and § 217.003(c).

(b) The Mayor shall require an indemnity bond in the sum of five thousand dollars (\$5,000.00) with good and sufficient sureties for payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit. Such bond will be taken in the name of the City and any person injured may bring an action on said bond in his own name to recover any damage sustained to person or property.

(c) Fireworks to be used under such a permit shall not be stored, kept, or discharged within three hundred feet (300') of any gasoline pump, gasoline filling station or gasoline bulk station, or any structures other than motor vehicles in which gasoline or other volatile liquids are kept in quantities in excess of one (1) gallon.

§ 72.43 Exemptions

(a) This chapter shall not apply to articles used by railroads or transportation companies nor to high explosives used for blasting or similar purposes when used solely for the necessary conduct of construction, transportation, manufacturing or industry, nor to the conduct of the affairs of the army, navy, or militia.

(b) The Overton Volunteer Fire Department is exempt from the requirements relating to fireworks.

§ 72.44 Enforcement

The City shall seize, take, remove, or cause to be removed at the expense of the owner all fireworks in the possession of a person in violation of this chapter. (*Ordinance adopting Revised Code of Ordinances, passed March 13, 2001*)

Arson

§ 72.50 Arson Reward

The City will pay out of the general fund of the City the sum of two hundred and fifty dollars (\$250.00) as a reward to any person or persons giving information or otherwise causing the arrest and conviction of any person or persons found guilty of committing the crime of arson within the City limits.

Outdoor Burning

§ 72.60 Burning Regulations

- (1) Wood, branches, brush, and similar yard waste are suitable for outdoor burning. Outdoor burning of other materials, including household items, shall be a violation of this chapter.
- (2) The location of the burning shall be appropriate to insure the safety of persons and property and adequate care for fire safety shall be demonstrated.
- (3) A burning permit must be received from the City.
- (4) No fire should be left unattended after dark.
- (5) A person found to be in violation of this chapter shall receive a warning for the first violation and a fine not to exceed \$250.00 for each additional violation.

Flammable Liquids³

§ 72.70 Flammable Liquids Defined

For the purposes of this chapter, the term "flammable liquid" shall have the meaning ascribed to it in section (202) of the Standard Fire Prevention Code.

§ 72.71 Sale of Flammable Liquid in Quantities of Five Gallons Or Less Regulated

- (a) It shall be unlawful for any person to sell or dispose of any flammable liquid in a container of five (5) gallons or less in capacity, unless such container meets the requirements of this section.
- (b) It shall be unlawful for any owner, occupant, or tenant of any building or structure of any kind, where people are housed as a home, apartment, boarding house, or any other type of occupancy of any kind or character, whether they be housed or employed therein, to keep any flammable liquid in, upon, or about such premises in quantities of five (5) gallons or under, unless such flammable liquid is kept in a container meeting the requirements of this section.
- (c) The container required by this section shall be an air-tight container of five (5) gallons capacity or under, constructed of metal or the equivalent thereof, other than glass or materials that are breakable, properly equipped and fitted with a metal lid or the equivalent thereof, in such a manner and to the extent that the container will be air-tight and will not leak, break or erupt, if dropped or turned over, and the contents will not ignite when exposed to open flame or ignition, and so that neither the liquid nor the vapor will escape from it at ordinary temperatures. Such container shall be so designed and cared for that persons who are unaware of the danger of

³ **State law reference** -- Municipal authority to regulate flammable liquids is found in V.T.C.A., Health & Safety, § 753.006.

flammable liquids will not have easy access to the contents of the container and will not be exposed to the danger of the liquid or its vapor.

§ 72.72 Flammable Liquids Used As Motor Fuel

It shall be unlawful for any person within the corporate limits of the City to dispense from any mobile service unit, vehicle tank truck, or other mobile device any flammable liquid used as motor fuel, as an act of retail sale, into the fuel tank of any motor vehicle parked on any off-street parking facility or into the fuel tank of any motor vehicle parked on any public street.