

## CHAPTER 5

# FIRE PREVENTION AND PROTECTION

### ARTICLE 5.100 INTERNATIONAL FIRE CODE\*(1)

#### **Sec. 5.101 Adoption; Purpose and Intent; Amendments**

(a) The purpose of this article is to provide minimum requirements to safeguard life, health and public welfare, for the protection of property as it relates to these safeguards; regulating and governing the safeguarding of [life] and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the city; providing for the issuance of permits and collection of fees therefor.

(b) A certain document, of which a copy is on file in the office of the city secretary being marked and designated as the International Fire Code, 2009 edition, including appendix chapters B–G as published by the International Code Congress, be and is hereby adopted as the fire code of the city, regulating and governing the safeguarding of and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the city; providing for the issuance of permits and collection of fees therefor.

(c) The International Fire Code adopted in this section is amended as hereinafter set out:

- (1) *Section 101.1* Insert: City of Brownfield.
- (2) *Section 109.3* Insert “misdemeanor” offense punishable by a fine of not more than \$2,000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (3) *Section 111.4* Insert: \$1.00 and \$2,000.00 respectively.
- (4) That the geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:

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- (A) *Section 3204.3.1.1 and Section 3204.3.1.1.3* (geographical limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All areas within 300 feet of areas zoned for residential use in the Brownfield Zoning Ordinance.
- (B) *Section 3404.2.9.6.1.1* (geographical limits in which the storage of class I and class II liquids in above-ground tanks outside of buildings is prohibited): All areas within 300 feet of areas zoned for residential use in the Brownfield Zoning Ordinance.
- (C) *Section 3406.2.4.4* (geographical limits in which the storage of class I and class II liquids in above-ground tanks is prohibited): All areas within 300 feet of areas zoned for residential use in the Brownfield Zoning Ordinance.
- (D) *Section 3804.2* (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): All areas within 300 feet of areas zoned for residential or commercial use in the Brownfield Zoning Ordinance.

(Ordinance 2040 adopted 6/6/13)

**Sec. 5.102 Establishment and Duties of Bureau of Fire Prevention**

- (a) The Fire Prevention Code shall be enforced by the bureau of fire prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- (b) The chief (or fire marshal) in charge of the bureau of fire prevention shall be appointed by the city manager on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall be removed from office at any time for any reason by the city council.

(1965 Code of Ordinances, Chapter 6, Article I, Section 6-2; Ordinance adopting Code)

- (c) The chief of the fire department may appoint such members of the fire department as inspectors and investigators as shall from time to time be necessary. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-2; Ordinance 1833 adopted 6/17/99; Ordinance adopting Code)
- (d) A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this article, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire

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department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-2)

**Sec. 5.103 Definitions**

Municipality. As used in the Fire Prevention Code, it shall be held to mean the City of Brownfield, Texas.

Corporation Counsel. As used in the Fire Prevention Code, it shall be held to mean the city attorney.

Chief of the Bureau of Fire Prevention. As used in the Fire Prevention Code, it shall be held to mean the fire marshal.

(1965 Code of Ordinances, Chapter 6, Article I, Section 6-3)

Fire Prevention Code. The National Fire Protection Standard No. 1 as adopted by the City of Brownfield. (Ordinance 1833 adopted 6/17/99)

**Sec. 5.104 Modifications**

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his 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 such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-7)

**Sec. 5.105 New Materials, Processes or Occupancies Which May Require Permits**

The city manager, the chief of the fire department and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-8)

**Sec. 5.106 Arson Reward<sup>\*(2)</sup>**

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The city hereby offers a reward of two hundred and fifty dollars (\$250.00) to any person, other than police and fire fighting personnel, who provide information leading to the arrest and conviction of any person or persons committing the crime of arson within the corporate limits of the City of Brownfield. The reward shall be a standing offer, and shall be paid out of the general fund of the city. The reward shall, to the extent allowed by state law and at the request of the person receiving the award, be paid anonymously. The city council shall be the sole judge in determining eligibility for the reward. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-9; Ordinance adopting Code)

**Sec. 5.107 Taking Water From Fire Hydrant Restricted**

It shall be unlawful for any person to take any water whatsoever from any fire hydrant in the city without written permission from the city superintendent; provided, however, that this section shall not apply to the fire department. (1965 Code of Ordinances, Chapter 6, Article I, Section 6-10)

**Sec. 5.108 Penalty**

(a) A person who violates any provision of this article is guilty of a misdemeanor and upon conviction may be punished by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code. Each day the violation continues shall constitute a separate violation.

(b) In addition to proceeding under authority of subsection (a) above, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of state statutes or other ordinances.

(Ordinance 1833 adopted 6/17/99)

**ARTICLE 5.200 FIRE CHIEF AND FIRE MARSHAL**

**Sec. 5.201 Office Created Independent of Other Departments**

The office of fire marshal is hereby created. Such office shall be independent of other city departments, the fire marshal reporting directly to the city manager. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-21)

**Sec. 5.202 Appointment; Qualifications; Removal; Assistants**

The fire marshal shall be appointed by the city manager, subject to the approval of the city

council. The fire marshal shall be properly qualified for the duties of his office and may be removed at any time for any reason by the city manager. The fire marshal is authorized to appoint one (1) assistant who shall exercise all the authority of the fire marshal. (Ordinance 2002 adopted 11/10/09)

**Sec. 5.203 Duty to Investigate Fires**

The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed, or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of the fire. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-23)

**Sec. 5.204 Taking of Testimony; Generally**

The fire marshal, when in his 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 in writing. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-24)

**Sec. 5.205 Authority to Summon Witnesses, Require Production of Evidence and Administer Oaths**

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter, which is, by the provision of this article, a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-25)

**Sec. 5.206 Investigations May be Private; Separation of Witnesses**

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such 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. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-26)

**Sec. 5.207 Duty When Evidence Indicates Crime in Connection With Fire**

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person

with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with any fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-27)

**Sec. 5.208      Misconduct of Witnesses Summoned by Fire Marshal**

Any witness who refuses to be sworn, or who refuses to appear and testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under investigation or inquiry after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-28)

**Sec. 5.209      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 by the provisions of this article, 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. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-29)

**Sec. 5.210      Inspection of Premises; Ordering Removal or Repair of Dangerous Conditions**

The fire marshal, upon complaint of any person having any interest in any building or property adjacent thereto, or 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 duty quarterly or more often to enter upon and make or cause to be made a thorough examination of all mercantile, manufacturing and public buildings together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or 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 therein, and whenever he shall find an improper or dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, 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 firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. If said owner or occupant deems himself aggrieved by

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such order, he may, within five (5) days, appeal to the mayor, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and shall be forthwith complied with by said owner or occupant. Any owner or occupant who fails to comply with such order within ten (10) days from the date of such notice shall be deemed guilty of a misdemeanor. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-30)

**Sec. 5.211 Records of Fires to be Kept**

The fire marshal shall keep in his 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 article. (1965 Code of Ordinances, Chapter 6, Article II, Section 6-31)

**Sec. 5.212 Fire Chief**

There is created the position of chief of the fire department who shall be appointed by the city manager, confirmed by the city council and who shall report to the city manager. It shall be his duty to see that the laws, ordinances, orders, rules and regulations concerning the department and the operation thereof are carried into full force and effect. It shall be the duty of the chief to enforce such rules and regulations made from time to time to secure discipline in the department. He shall have power to suspend any subordinate officers, members or employees for a violation of such rules and regulations and upon executing any such suspension, forthwith in writing, advise the city manager of his reasons therefor. He shall diligently observe the condition of fire apparatus and workings of the department at all times, and shall report in writing as requested by the city manager or city council regarding the equipment and the proper conduct of the department. He shall cooperate with the city manager in the preparation of an annual budget for the operation of the department. (Ordinance 1980 adopted 10/16/08)

**ARTICLE 5.300 LIQUEFIED PETROLEUM GAS<sup>\*(3)</sup>**

**Sec. 5.301 Definitions**

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them

Equipment. Shall mean and include all that equipment designed to use as a fuel any form of manufactured or liquefied petroleum gases.

Standard Grade. Shall mean that grade of article, which is accepted by dealers in such equipment and recognized as complying with all fire law regulations.

(1965 Code of Ordinances, Chapter 6, Article III, Section 6-42)

**Sec. 5.302 Piping and Appliances; Minimum Standards**

All persons who may install or equip any residence, business, house or apartment house, or other building located and situated within the city with any installation or equipment designed to use as a fuel any form of manufactured or liquefied petroleum gases, shall use in any such installation, whether for domestic or industrial use, only a standard grade of pipe or piping. All appliances used in connection with any such installation shall be a standard grade and type of equipment. Any system, which uses any form of, manufactured or liquefied petroleum gases must bear the label of approval or listing of the Underwriters Laboratories. (1965 Code of Ordinances, Chapter 6, Article III, Section 6-43)

**Sec. 5.303 Installation and Use of Equipment**

(a) Minimum Standards. Any equipment shall be installed or repaired in a workmanlike manner, which shall comply with all laws and the regulations of the city, the regulations of the National Board of Fire Underwriters and the regulations recommended by the National Fire Protection Association.

(b) Operation. When any equipment is installed, it shall not be placed in operation or used unless and until said installation has been approved by the city plumbing inspector.

(c) Inspection, Approval, Inspection Fee. Any person installing any equipment shall secure the approval of same as complying with the requirements of this article, and shall, upon requesting such inspection for approval, pay an inspection fee as set forth in the fee schedule in the appendix of this code, to cover the cost of inspection.

(1965 Code of Ordinances, Chapter 6, Article III, Section 6-44)

**Sec. 5.304 Installation at Gasoline Service Stations of Containers and Equipment**

Gasoline service station owners or operators may apply for and be granted a permit by the city council to install a liquefied petroleum gas tank and equipment, outside of the fire limits for the purpose of servicing motor vehicles which are equipped to use such gas as a fuel to propel such vehicles under the following conditions:

- (1) The storage tank and equipment and the installation thereof must meet the requirements of this article, including the requirements concerning the underwriters label and regulations recommended by the National Board of Fire Underwriters and

the National Fire Protection Association;

- (2) Such storage tank shall be of a capacity not to exceed five hundred (500) gallons;
- (3) Such tank shall be placed underground with at least two (2) feet of earth covering over the top of same; and
- (4) Such tank will not be installed within twenty (20) feet of a building.

Provided, however, that no installation of any equipment whatsoever designed for the use, sale, or distribution of any form of manufactured or liquefied petroleum gases shall be permitted within the fire zone or fire limits.

(1965 Code of Ordinances, Chapter 6, Article III, Section 6-45)

**Sec. 5.305 Use and Storage in Specified Places Prohibited**

The storage of any liquefied petroleum gases in any individual customer size of container, either aboveground or underground, is prohibited inside of or underneath any building in the city. No equipment using, or used for the purpose of storing wholesale quantities of, liquefied petroleum gases shall be permitted within the fire limits. (1965 Code of Ordinances, Chapter 6, Article III, Section 6-46)

**Sec. 5.306 Tank Trucks and Trailers; Construction, Operation, Inspection and Maintenance**

All tank trucks and tank trailers used for the transportation of liquefied petroleum gases within the city shall be so constructed and operated as to comply with the regulations for the design, construction and operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases as approved by the National Board of Fire Underwriters and the National Fire Protection Association. Any person who shall operate or cause to be operated any tank truck or tank trailer used for the purpose of transporting liquefied petroleum gas within the city shall keep any such equipment in good condition at all times, and upon the development of any defect that would create a hazard to persons or property, said tank truck or tank trailer shall be removed from the streets of the city until such defects have been repaired, or faulty equipment replaced. Any such tank trucks and tank trailers shall be subject to inspection by the proper authorities at any time. No tank truck or tank trailer shall be parked, stored or operated upon any street within the fire limits; nor shall they be stored or repaired inside or outside of any building within the fire limits. (1965 Code of Ordinances, Chapter 6, Article III, Section 6-47)

**Sec. 5.307 Treatment of Gas for Odor**

All liquefied petroleum gas sold within the city shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping or equipment. (1965 Code of Ordinances, Chapter 6, Article III, Section 6-48)

**Sec. 5.308 Mobile Service Units**

(a) It shall be unlawful for any person within the corporate limits of the City of Brownfield to dispense from any mobile service unit, vehicle, tank truck, or any 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.

(b) Every violation of this section shall constitute a misdemeanor, and upon conviction, shall be punished by a fine in accordance with the general penalty provision found in Section 1.109 of this code.

(1965 Code of Ordinances, Chapter 6, Article III, Section 6-49)

**ARTICLE 5.400 REGULATION OF FIREWORKS\***

**Sec. 5.401 Exploding Fireworks in City Limits**

It shall be unlawful for any person, firm or corporation to explode, set off, ignite or discharge within the corporate limits of the city any firecrackers, Roman candles, torpedoes, fountains, or any other fireworks of any kind or make, with the exception of cap pistols, except for public displays held on public property and sponsored in whole or in part by a governmental entity. (Ordinance 1889 adopted 11/6/03)

**Endnotes**

**1 (Popup - Popup)**

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

**2 (Popup - Popup)**

\* **State Law reference**-Provisions regarding arson, V.T.C.A., Penal Code, Sec. 28.01.

**3 (Popup - Popup)**

\* **State Law reference**-Standards for flammable liquid storage tanks, V.T.C.A., Health & Safety Code, Sec. 756.011.