



City of Rowlett

Official Copy

Ordinance: ORD-018-18

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROWLETT, BY AMENDING DIVISION 2 (“OFFICE OF FIRE MARSHAL”) OF ARTICLE II (“ADMINISTRATION”) OF CHAPTER 26 (“FIRE PREVENTION AND PROTECTION”) TO AMEND SECTIONS 26-61, 26-68 AND 26-70 PROVIDING REGULATIONS FOR THE OFFICE OF THE FIRE MARSHAL; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas, has heretofore adopted regulations establishing the office of the Fire Marshal and providing for duties and responsibilities for said Office; and

WHEREAS, the City Council finds and determines that the regulations pertaining to the Fire Marshal should be revised and updated and that the revisions set forth herein will provide clarity and efficient operations of the office of Fire Marshal and that the amendments contained herein are in the best interest of the public health, safety and welfare of the citizens of the City of Rowlett.

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

SECTION 1: That the Code of Ordinances of the City of Rowlett, Texas, be and is hereby amended by amending Division 2 (“Office of Fire Marshal”) of Article II (“Administration”) of Chapter 26 (“Fire Prevention and Protection”) to amend Sections 26-61, 26-68 and 26-70, without amendment, repeal or change to any other section, part or provision of Division 2, such that Sections 26-61, 26-68 and 26-70 shall read in their entirety as follows:

**“CHAPTER 26
FIRE PREVENTION AND PROTECTION**

...

ARTICLE II. ADMINISTRATION

DIVISION 2. - OFFICE OF FIRE MARSHAL

Sec. 26-61 – Created.

The office of fire marshal is hereby created as a division of the fire department. Such office shall be filled by appointment by the fire chief.

Sec. 26-68. - Inspection for hazardous conditions; remedy.

The fire marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purposes of examination, to enter into and upon all buildings and premises within the city. It shall be his duty to enter upon and make, or cause to be entered and made, thorough regular examinations 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 specifically 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; whenever he 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, atomic reactors, cobalt machines, organic materials, 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 firefighters or occupants or a violation of the fire prevention code, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises. If such owner or occupant deems himself aggrieved by such order, he may, within a period of 48 hours, after the time of official notification of the order, file an appeal in writing with the city manager, who shall investigate the cause of the complaint and unless the order is revoked, such order shall remain in force and be forthwith complied with by such owner or occupant. It shall be an offense for any person to fail or refuse to comply with a lawful order of the fire marshal.

Sec. 26-70. – Fire and arson investigators.

The fire marshal may commission peace officers to act as fire and arson investigators under his supervision and to perform other law enforcement duties assigned to the commission by law. The state may revoke a peace officer's commission under this section for just cause.

Secs. 26-71—26-100. - Reserved.”

SECTION 2: That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances and ordinances of the City, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4: That should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 5: That any person, firm or corporation violating any of the provisions or terms of this ordinance or the codes adopted hereby, as same may be amended, shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6: That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

At a meeting of the City Council on July 17, 2018 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Dana-Bashian, Mayor Pro Tem Brown, Deputy Mayor Pro Tem Grubisich, Councilmember Sherrill, Councilmember Bobbitt and Councilmember Bell.

Absent: 1 Councilmember Margolis

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Approved by Tommy Sara-Baskin Date July 17, 2018
Mayor

Approved to form by [Signature] Date July 17, 2018
City Attorney

Certified by Laura Hallmark Date July 17, 2018
City Secretary