

Sec. 7-1, Firework Control

SECTION I.

No person, firm, company, corporation or association shall cast, throw or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind within the corporate limits of the Town of Terrell Hills.

SECTION II.

No person, firm, company, corporation or association shall exhibit or have in his possession, with the intent to give away, sell or offer for sale, or sell within the corporate limits of the Town of Terrell Hills any squib, rocket, torpedo, cracker, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind.

SECTION III.

Nothing in this ordinance shall be construed to apply to the sale of firearms or ammunition therefor, nor shall it apply to the sale, storage or use of flashlight composition by photographers or dealers in photographic supplies or prevent any public or private demonstration or display of fireworks of any kind if conducted under proper police supervision after application has been made and permit issued by the Town Marshal of the Town of Terrell Hills for such demonstration. Such permit shall not be granted unless such demonstration or display shall be of such character, and so located, discharged or fired, as in the opinion of such Town Marshal, after proper inspection, shall not be hazardous to property or endanger any person or persons.

SECTION IV.

Any person, firm, company, corporation or association who shall violate any of the provisions of this ordinance or allow the same to be violated, shall upon conviction therefor be subject to a fine of not less than five dollars (\$ 5.00) nor more than one hundred dollars (\$ 100.00).

SECTION V.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI.

In view of the fact that this ordinance is necessary for the immediate protection and preservation of public health, safety and general welfare, it becomes necessary that this ordinance shall be in full force and effect immediately from and after its passage and it is accordingly so Ordained.
(Ord. 85(6), 5-5-52)

Sec. 7-2, Burning of Rubbish

Sec. 1. That the burning of trash, leaves, branches, rags, papers, building materials or garbage in incinerators or open fires in the City of Terrell Hills, Texas, constitutes a nuisance and fire hazard.

Sec. 2. That any individual, partnership, firm or corporation which shall hereafter burn any trash,

leaves, branches, rags, papers, building materials or garbage in incinerators or open fires in the City of Terrell Hills, Texas, shall be fined not less than \$1.00 nor more than \$100.00. Each day that such violation continues shall be a separate offense.

*Sec. 3. This ordinance shall not apply to barbecue pits or fires built in the same for cooking purposes only, nor shall it apply to the burning of leaves and branches in incinerators which have been inspected and approved by the Chief of the City Fire Department or his designated representative.**

Sec. 4. Nothing herein contained shall prevent the construction and operation of an incinerator in connection with any permitted business or commercial establishment, for which a Building Permit has been issued by the Building Official of the City of Terrell Hills, Texas.

If any section of this ordinance should be declared invalid, it is the intention of this City Council to pass the remaining portions of the ordinance and the same shall remain in full force and effect. (Ord. 24, 3-3-59)

**(amended by Ord. 35, 12-1-59)*

Sec. 7-10, Reciprocal Firefighting Assistance

SECTION 1. Pursuant to mutual support agreements made under the authority of Section 5 hereof, the Fire Department of Terrell Hills is hereby authorized to furnish to cities in Bexar County, Texas, such firefighting equipment as is available in the opinion of the Chief of the Fire Department or other officer in charge of the Fire Department of Terrell Hills, whenever firefighting equipment or personnel is requested by the chief of the fire department or officer in charge of the fire department of such cities. Such fire chief or other officer in charge shall certify that there is an emergency and the equipment and personnel which is needed. The Fire Chief of Terrell Hills or such officer in charge shall take into consideration as a first requisite that he shall withhold such equipment and personnel as would be necessary, in his opinion, to protect the health, property, and lives of the citizens of Terrell Hills.

The Fire Chief of Terrell Hills is herewith directed and authorized to keep the fire chiefs of other cities, with which mutual aid agreements are in effect, informed as to his equipment and his personnel, and to advise the chiefs of such cities as to the inventory of his firefighting equipment.

SECTION 2. When any firefighting official of the City of Terrell Hills is ordered by proper authority to perform firefighting duties outside the territorial limits of the City of Terrell Hills, he shall be entitled to same wage, salary, or death benefits, the same as though the service had been rendered within the limits of the City of Terrell Hills; and he shall also be paid for any reasonable expenses of travel, food, as well as for damage to equipment and clothing, and medical expenses which he may incur while on duty outside such limits, or while traveling to or from such assignment.

SECTION 3. Whenever any firefighting official is assigned to the City of Terrell Hills, pursuant to a mutual aid agreement, to assist under circumstances as described above which may exist in the City of Terrell Hills, that such officer shall be a fire prevention agent of the City of Terrell Hills and shall be under the command of the Chief of the Fire Department or other officer in charge for the City of Terrell Hills while so assigned, and he shall have all the powers and duties of a regular firefighting official of the City and his qualifications for office where regularly employed shall constitute his qualifications for office in the City of Terrell Hills and no other oath, bond or compensation shall be made.

SECTION 4. When any firefighting equipment is damaged while being used in another city, or if any damage to equipment should occur while traveling to or from such fire in another city, the City of Terrell Hills will bear the cost of such damage.

SECTION 5. The City Manager is authorized to negotiate mutual support agreements with such other cities as may be necessary to effect this ordinance.
(Ord. 673, 6-11-84)

Sec. 7-15, Arson Reward

The City of Terrell Hills, Texas hereby offers a reward of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) to anyone who secures and furnishes information necessary to and which results in arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of said City of Terrell Hills, Texas. This reward is a standing offer, and shall be paid out of the General Fund of the City of Terrell Hills, Texas.
(Ord. 495, 7-10-78)

Sec. 7-16, Affirmation of Fire Marshal

1. The office of Fire Marshal as created by the City Charter is hereby affirmed. Such office shall be independent of other City departments, the Fire Marshal reporting directly to the Mayor and City Council. The office having been consolidated with that of the Secretary-Manager by City Ordinance No. 493 of July 10, 1978, the Fire Marshal shall not receive a separate salary.

2. 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 hours, not including Sunday, of the occurrence of such fire. 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 ordinance.

3. 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 to writing; and if he 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 such fire, he shall cause such person to be lawfully arrested and charged with such offense of 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.

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

5. Any witness who refuses to be sworn, or who refuses to appear or testify or who disobeys any lawful order of said Fire Marshal, or 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 said 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. Any person being convicted of any such demeanor shall be fined in a sum not exceeding twenty-five dollars (\$25.00); providing however, that any person so convicted shall have the right of appeal

6. 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 pre-sent 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.

7. The Fire Marshall shall the have the authority at all times of day or night, when necessary, in the performance fo the duties imposed upon him by the provisions of this ordinance, 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.

8. 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 purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, monthly or more often, to enter upon and make or cause to be entered and 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, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangements 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, 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 forth-with complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself aggrieved by 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 be forthwith complied with by said owner or occupant. 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.

9. Any owner or occupant of a building or other structure or premises, who shall keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and Which is so occupied that fire would endanger other persons or their property therein, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

10. Any owner or occupant of any building or other structure, or premises, who shall keep or maintain the same with an improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition Which shall be dangerous in character to the persons, health or property of others; or which shall be dangerous in the matter of promoting, augmenting or causing fires; or Which shall create conditions dangerous to firemen, or occupants of such buildings, structure or premises other than the maintainer thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

11. No prosecution shall be brought under Sections 9 and 10 of this ordinance until the order provided for in Section 8 be given, and the party notified shall fail or refuse to comply with the same.

12. The penalties provided for herein shall be recovered by the city in the same manner as provided by law for the enforcement of fines, forfeitures, and punishments for offenses against the city.

13. Every day's maintenance of any of the conditions prohibited in any of the foregoing sections shall be a distinct and separate offense.

14. All misdemeanors herein provided for shall be prosecuted, and all fines and forfeitures herein provided for shall be recovered and enforced, in the same manner as provided by law for the enforcement of fines, forfeitures, penalties and punishments for offenses generally against the city.

15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
(Ord. 496, 7-10-78)

Sec. 7-20, International Fire Code

1. The following provisions of the City Code of Ordinances will govern over the provisions of the International Fire Code when there is any conflict.
 - a. Ch. 7 section 7-1 Firework Control
 - b. Ch. 7 section 7-2 Burning of Rubbish
 - c. Ch. 7 section 7-10 Reciprocal Firefighting Assistance
 - d. Ch. 7 section 7-15 Arson Reward
 - e. Ch. 7 section 7-16 Affirmation of Fire Marshall.
 - f. Ch. 14 Comprehensive Zoning Ordinance.

2. The City Fire Marshall is authorized to delegate his responsibilities to the Fire Chief in the enforcement of this Ordinance.

3. The NFPA 101 Life Safety Code (2009 Edition) published by the National Fire Protection Association, along with all revisions and additions thereto, is adopted as the Life Safety Code for the City of Terrell Hills except for the following:

A: Deletions

1. Chapter 24, Section 24.3.5.1 Only

4. The International Fire Code (2009 Edition) published by the International Code Council, along with all revisions and additions thereto, is adopted as the Fire Code for the City of Terrell Hills except for the following:

A: Deletions:

1. **Chapter 11, Aviation Facilities**
2. **Chapter 45, Marinas**

B: Exemptions / Changes:

1. **Section 105.1.1 Permits Required.** Shall be amended to read as follows:

105.1.1 Permits Required. Permits required by this code shall be obtained from the city building official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official or city building official.

2. **Section 304.3.3 Capacity exceeding 1.5 cubic yards.** Shall be amended to read as follows:

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15m³)] or more shall not be stored in buildings or placed within 10 feet (3048 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048mm) from other buildings and used exclusively for dumpster or container storage.

3. **Section 304.3.4 Capacity of 1 cubic yard or more.** Shall be amended to read as follows:

304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76m³)] or more shall not be stored in buildings or placed within 10 feet (3048mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

1. Dumpsters or containers in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of

Type I or IIA construction, located not less than 10 feet (3048mm) from other buildings and used exclusively for dumpster or container storage.

4. **Section 307.3 Extinguishment authority.** Shall be amended to read as follows:

307.3 Extinguishment authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning or portable outdoor fireplaces that creates or adds to a hazardous or objectionable situation.

5. **Section 307.4.1 Bonfires.** Shall be amended to read as follows.

307.4.1 Bonfires. Bonfires shall be prohibited inside the city limits of Terrell Hills.

6. **Section 307.4.2 Recreational fires.** Shall be amended to read as follows:

307.4.2 Recreational fires. Recreational fires shall be prohibited inside the city limits of Terrell Hills.

7. **Section 307.4.3 Portable outdoor fireplaces.** The exception of portable outdoor fireplaces used at one- and two-family *dwelling*s is deleted.

8. **Section 308.1.4 Open-Flame cooking devices.** shall be amended to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or stored on combustible balconies/porches or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings

9. **Section 903.2.8.** Add Exemption: 1 and 2 Family Dwellings

10. Adopt **Appendix B** (Fire-Flow Requirements for Buildings)

11. Adopt **Appendix C** (Fire Hydrant Locations and Distribution)

12. Adopt **Appendix I** (Fire Protection Systems-Noncompliant Conditions)

5. Penalties: Any person who shall violate any provision of this Code or Standards hereby adopted or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder, 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 or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, punishable by a fine not less than \$1.00 nor more than \$1,000.00. 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 such violations or defects within reasonable time; and when not otherwise specified each day that prohibited conditions exist shall constitute a separate offense. The application of the foregoing penalty shall not be held to prevent the enforced removal of prohibited conditions.

6. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or Code or Standards hereby adopted are hereby repealed.
(ORD 1305, 05-10-10)