

## CHAPTER 5

### FIRE PROTECTION\*

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

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# City of Ladonia, Fannin County Texas

ORDINANCE NO. 2011-06-06 OF THE CITY OF LADONIA, TEXAS, REPLACING SECTION 5.401 OF ARTICLE 5.400 EXPLOSIVES AND FIREWORKS OF THE CODE OF ORDINANCES. PASSED AND APPROVED at a regular meeting of the City Council June 6, 2011

## ARTICLE 5.400 EXPLOSIVES AND FIREWORKS

### Sec. 5.401 Fireworks

#### (a) Definitions

(1) "Firework" means any combustible or explosive composition, or any substance, combination of substances, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. "Fireworks" include blank cartridges, firecrackers, torpedoes, sky-rockets, Roman candles, crackers, grenades, sparklers, or other devices of like construction, or other combustible material used for fireworks purposes; any devices containing an explosive or flammable compound; and any tablet or other device containing an explosive substance.

(2) "Firework" shall not include signaling devices for current daily use by railroads and others requiring them; flashlight compositions used by photographers or dealers in photographic supplies; flares or rockets used for military or police purposes, auto flares, or cigarette lighters.

(b) Nuisance - The presence of any fireworks within the city's corporate limits in violation of this article is declared to be a nuisance and appropriate injunctive relief may be instituted by the City in any court of competent jurisdiction.

(c) Offense - Except as set forth in paragraph (d), it shall be an offense for any person to use, discharge, cast, throw, fire, explode, manufacture, assemble, store, sell, exhibit, or offer for sale, fireworks of any description within the City's corporate limits or within the extraterritorial jurisdiction.

#### (d) Exceptions:

(1) The following exception applies to paragraph (c) of this ordinance. It shall not be an offense under this article for the City or a professional person or company permitted by the City Council as evidenced in minutes of a meeting to provide a public display of fireworks

(e) Severability - It is hereby declared to be the intention of the City Council that Article 1.001 Section 1.107 applies to this ordinance once approved, passed and published.

(f) Penalty - Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(g) Publication - The City Secretary is hereby directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date clause of this ordinance one (1) day as authorized by Section 52.011 of the Local Government Code.

(h) Effective Date - This ordinance shall be in full force and effect after its passage and publication as provided by law and is so ordained.

AMENDED IN ACCORDANCE - ORDINANCE NO. 2011-06-06



### **ARTICLE 5.100 STANDARD FIRE CODE**

The Standard Fire Code, 1994 editions, copies of which are on file in the offices of the city, are hereby adopted, and the same are made a part hereof by reference, except as modified or amended in this Code of Ordinances. (Ordinance adopting Code)

### **ARTICLE 5.200 ARSON REWARD**

Be it ordained by the city council of the City of Ladonia, Texas that the City of Ladonia, Texas hereby offers a reward of three hundred dollars (\$300.00) to anyone who furnishes information leading to the arrest and conviction of any person or persons found guilty of arson committed within the corporate limits of the City of Ladonia, Texas. This reward is a standing offers and shall be paid out of the general fund of the City of Ladonia, Texas. (Ordinance No. L-99 adopted 11/14/89)

### **ARTICLE 5.300 OUTDOOR BURNING**

It shall be unlawful for any person, firm or corporation to make or kindle, or cause to be made or kindled any fire or fires in the open air except in accordance with regulations as established by the Texas Natural Resources Conservation Commission. (Ordinance adopting Code)

### **ARTICLE 5.400 EXPLOSIVES AND FIREWORKS**

#### **Sec. 5.401 Fireworks**

- (a) It shall be unlawful to store any fireworks in the city.
- (b) It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the city.

#### **Sec. 5.402 Dynamite**

It shall be unlawful to keep or store any dynamite in the city.

#### **Sec. 5.403 Nitroglycerin; TNT**

It shall be unlawful to keep or store any nitroglycerin or the explosive commonly known as TNT in the city in any quantities, excepting for medical or laboratory purposes.

#### **Sec. 5.404 Gunpowder**

It shall be unlawful to keep or store any black powder or gunpowder or guncotton in excess of five pounds on any one premises in the city.

**Sec. 5.405 Rules of State Fire Marshal**

All explosives kept or stored in the city shall be kept and stored in accordance with the rules enforced by the state fire marshal, with regard thereto.

(Ordinance adopting Code)

**ARTICLE 5.500 VOLUNTEER FIRE DEPARTMENT**

**Sec. 5.501 Creation**

There is hereby created and established a volunteer fire department for the City of Ladonia. Members are volunteer citizens.

**Sec. 5.502 Supervision over Department and Equipment**

The fire chief shall have the control, subject to the order and direction of the city council or mayor of the fire department and all fire apparatus belonging to the city; whenever any fire apparatus needs repairing said fire chief shall cause the same to be brought before the council or mayor for approval without delay.

**Sec. 5.503 Command at Fires**

In case of fire, the fire chief, or acting fire chief, shall take command of the fire department, and direct the management thereof for the suppression of the fire, in the best manner possible; and when it may be necessary for the protection of other property and to prevent the spread of the conflagration, the fire chief may cause buildings to be removed, torn down or destroyed in the best manner possible.

**Sec. 5.504 Membership and Organization**

The fire department shall consist of as many members as may be decided upon by the volunteers, subject to the direction and approval of the city council. The fire department may have any organization approved by the council as long as there is a minimum of a fire chief and an acting fire chief who is responsible when the fire chief is not available and a secretary and may hold meetings and engage in social activities, subject to the notification of the city clerk. A copy of the fire department organization's bylaws and constitution must be submitted to the council for approval and a copy must be on file in the city clerk's office. Any change must be approved by the city council prior to becoming effective. The secretary of the fire department shall keep a record of all meetings and the fire chief shall make a report to the city council of all meetings and all activities of the fire department. The fire chief shall be elected by the volunteers and approved by the city council and mayor. The fire marshal shall be appointed by the city council and mayor.

**Code Amendment – Effective 09-16-2010**  
**Article 5.500 Volunteer Fire Department**

Sections 5.504 and 5.505 have been amended per the direction of Council and evidenced by minutes of the meeting September 16, 2010 by a unanimous vote of the City Council.

**Section 5.504** as amended will read as follows:

**“The secretary of the fire department shall keep a record of all meetings and the fire chief shall make a monthly report to the city council of all meetings and all activities of the fire department.”**

**Section 5.505** as amended will read as follows:

**“The fire chief shall keep or cause to be kept a record of all meetings of the fire department and the attendance of the members and a record of all fires, and, ~~during the last week in April of each year~~ the last day of each month will file with the city clerk a full report of such records and attendance and fires which report shall be under oath. Once each month the fire chief or secretary shall provide to the city clerk the names of persons who attended the regular fire department meetings so that any credits on city services may be accounted for. The secretary or treasurer shall keep an accurate record of all monies received and paid out and the last day of each month will file with the city clerk a copy of such records for that month, with the beginning and ending bank balances, which report shall be under oath.”**



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adopt the amendment to Chapter 1, Section 1.01 of the Code of Ordinances. PK Kirkpatrick seconded and the motion passed 5-0.

- VII. Discuss, Action, Consider revision of Article 5.500 – Volunteer Fire Department, Section 5.504 – Membership and Organization and 5.505 - Records to designate reporting requirements so that

(a) Section 5.504 is amended to include the word “monthly” before the word “report” in the fifth sentence which reads “The secretary of the fire department shall keep a record of all meetings and the fire chief shall make a monthly report to the city council of all meetings and all activities of the fire department.”

(b) Section 5.505 as amended will read as follows: “The fire chief shall keep or cause to be kept a record of all meetings of the fire department and the attendance of the members and a record of all fires, and, ~~during the last week in April of each year~~ the last day of each month will file with the city clerk a full report of such records and attendance and fires which report shall be under oath. Once each month the fire chief or secretary shall provide to the city clerk the names of persons who attended the regular fire department meetings so that any credits on city services may be accounted for. The secretary or treasurer shall keep an accurate record of all monies received and paid out and the last day of each month will file with the city clerk a copy of such records for that month, with the beginning and ending bank balances, which report shall be under oath.”

City Secretary read Article 5.500, Sections 5.504 and 5.505 as stated above explaining the deletions and additions to same. Lindon Warden asked for confirmation that the underlined text would be added to the Sections in question, and was answered by City Secretary in the affirmative. Lindon Warden moved to revise Article 5.500, Sections 5.504



and 5.505 as stated herein and Amanda Adams seconded the motion.  
Motion carried 5-0.

- VIII. Executive session: Pursuant to Sec. 551.074 and 551.087 of Government Code the Council entered into closed session at 7:30 pm.
- IX. Discussion of Personnel Matters and Economic Development; CLOSED MEETING - The Council may enter into closed or executive session to deliberate the appointment, employment, employment evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to deliberate regarding commercial information that has been received from a business prospect that the Council seeks to have locate, stay, or expand in or near the territory of the local government.
- X. The Council reconvened into open session at 9:00 pm. Mayor asked for a motion regarding the appointment of a Code Enforcement Commission of Cliff Isaacs, Glen Wolfe, Gary Nichols, Syldean Davis, and Kay Herron as the five member Commission, with Cliff Isaacs serving as Administrator, and Gene McNatt and David Wallace as Alternates in the event a Commission member resigns the appointment before a term is over. A motion was made by Amanda Adams, and seconded by Doug Franklin to accept this appointment of Code Enforcement Commission members and alternates. Motion carried 5-0. Regarding Economic Development and reinstating Resolution 001-100 to obtain a status of good standing with the Secretary of State Corporations Division for the Ladonia Public Facility Corporation, PK Kirkpatrick made a motion in favor, and Benny Combs seconded. Motion carried 5-0.
- XI. Adjourn. Doug Franklin moved to adjourn.

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Julie Russell, City Secretary

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Janis Cooper, Mayor



# *City of Ladonia*

P. O. Box 5

Ladonia, Texas 75449

903-367-7011

## **Minutes**

**Ladonia City Council**

**Thursday, 7:00 p.m.**

**September 16, 2010**

**Ladonia City Hall**

- I. Call to Order and Establish a Quorum
- II. Roll Call: Janis Cooper, Lindon Warden, Amanda Adams, PK Kirkpatrick, Benny Combs, and Doug Franklin were present.
- III. Invocation: Doug Franklin
- IV. Visitors (limit 3 minutes) : No comments
- V. Discuss, Action, Consider an Ordinance/Resolution to approve Atmos Energy Rate Review Mechanism extension, rate increase and recovery of steel service line replacement program costs. Terry from Atmos Energy made a presentation outlining events leading up to rate increase, and events to follow the increase for the next two years, including possibly another rate increase, replacement of existing steel service lines with poly lines eliminating couplings at mains and meters, reducing risk of faulty couplings leaking. He also explained how the steering committees negotiate with Atmos on behalf of the cities. Prior to city vote committees have approved the negotiated rates and terms. Individual cities finalize the negotiated terms. Mayor called for a motion, Doug Franklin moved to adopt the Ordinance presented by Atmos Energy, Lindon Warden seconded the motion. Motion carried 5-0.
- VI. Discuss, Action, Consider adopting an amendment to Chapter 1, Section 1.01 of the Code of Ordinances, City of Ladonia, regarding enforcement of ordinances. Presented a second reading after consultation with city attorney who verified that the amendment would allow the city to actively enforce ordinances already in place. Lindon Warden made a motion to



**Sec. 5.505 Records**

The fire chief shall keep or cause to be kept a record of all meetings of the fire department and the attendance of the members and a record of all fires, and, during the last week in April of each year, file with the city clerk a full report of such records and attendance and fires which report shall be under oath. Once each month the fire chief or secretary shall provide to the city clerk the names of persons who attended the regular fire department meetings so that any credits on city services may be accounted for.

**Sec. 5.506 Duties**

It shall be the function and duty of the fire department and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires.

**Sec. 5.507 Obedience to Orders**

Any fireman in attendance at a fire who shall neglect or refuse to obey the orders of the fire chief, or acting fire chief, shall upon conviction be fined in accordance with the general penalty provision found in Section 1.106 of this code.

**Sec. 5.508 Duties of Spectators**

Every person above the age of eighteen years who shall be present at a fire, shall be subject to the orders of the fire chief, or acting fire chief, and shall render all assistance in his power, and in such manner as he may be directed in the extinguishment of the fire, and in the removal of and protection of property, and any person refusing to obey such orders, shall upon conviction be fined in accordance with the general penalty provision found in Section 1.106 of this code, provided no person shall be bound to obey any fire chief unless the fire chief's, or acting fire chief's, official character shall be made known to such person.

**Sec. 5.509 Enforcement of Ordinances**

It shall be the duty of all volunteers of the fire department and the police chief of the city to see that the provisions of this section are enforced and to arrest or cause to be arrested on view any person who shall be found violating any of the provisions of this chapter or who shall hinder, resist, or refuse to obey the fire chief, the acting fire chief, or any volunteer fire department member in the discharge of his duty.

**Sec. 5.510 Entering Firehouse**

It shall be and hereby is declared unlawful for any person or persons to enter the fire department house or any place where the equipment and apparatus of the fire department is stored, at any time, except on business pertaining to the fire department or other city

business. The penalty for the violation of this section shall be a fine in accordance with the general penalty provision found in Section 1.106 of this code.

**Sec. 5.511 Service Outside Corporate Limits**

(a) Members of the fire department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. Provided, that the fire department shall not render such service outside the corporate limits excepting upon order of the fire chief, the acting fire chief, or the mayor; excepting that where the city has undertaken by contract to render service to property outside the corporate limits the fire department may leave the corporate limits in the fulfillment of such contract.

(b) All fire trucks must not leave the city limits unless prior arrangements are made by the fire chief with an adjacent city for coverage of fires within city limits.

(Ordinance adopting Code)