

ORDINANCE NO. #92-4

AMENDED FIRE MARSHAL ORDINANCE-CUMBY, TEXAS-NOVEMBER 10, 1930

AN ORDINANCE GRANTING THE OFFICE OF
FIRE MARSHAL, PRESCRIBING THE DUTIES
THEREOF, PROVIDED FOR ITS MAINTENANCE,
AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUMBY,
TEXAS, HOPKINS COUNTY:

I

The Office of Fire Marshal is hereby created. Such office shall be independent of other city departments, the Fire Marshal reporting directly to the Mayor and City Council. Such office shall be filled by appointment by the Mayor and City Council, by and with the consent of the City Council within 5 days after, this ordinance shall take effect. The said Fire Marshal shall be properly qualified for the duties of his office and shall be removed only for cause.

II

The Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring within the City of Cumby, Texas, 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 occurring within the City, 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. Such record shall at all times be open to public inspection.

III

The Fire Marshal, when it is the opinion further investigation is necessary, shall take or cause to be the testimony of 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 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.

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IV

The Fire Marshal shall have the power to summon and compel the attendance of 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 and production of any book, paper 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, and false swearing in any matter or proceeding aforesaid shall be perjury and shall be punished, as such.

V

Any witness who refuses to be sworn, or who refuses to 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 after being summoned by 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 make complaint against said police magistrate, or in any Court of Record within the City, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this ordinance shall be fined in a sum not exceeding One Hundred Dollars (\$100.00). PROVIDED, HOWEVER, that any person so convicted shall have the right of appeal.

VI

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.

VII

The Fire Marshal shall have the authority at all times of day or night, in the performance of 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.

VIII

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

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it shall be his duty, quarterly or more often, to enter upon and make, or cause to be entered upon and made, a thorough examination of all mercantile, manufactured, 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 conditions, or for any cause, is especially liable to fire, and which is so situated as to endanger, other buildings or properties, or so occupied that fire would endanger persons or property therein, and 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, 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 give written order for the same to be removed or remedied, and such order shall be complied with in thirty (30) days by the owner or occupant of said building or premises; PROVIDED HOWEVER, that if the 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 complied with by said owner or occupant. At the end of each month the Fire Marshal shall report to the City Council all existing hazardous conditions, together with separate reports on each fire in the city during the month.

IX

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 building 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 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

X

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 a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with

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Any other condition which shall be dangerous in character to 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 building, structure or premises other than maintainor thereof, shall be punished by a fine of not less that One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

XI

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.

XII

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.

XIII

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

XIV

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.

XV

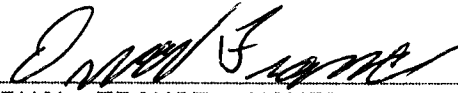
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

XVI

Whereas, public safety demands the immediate passage of this ordinance, creating the office of Fire Marshal and empowering the said officer to discharge the duties herein set out. This ordinance shall be effective and in full force from and after its passage and approval.

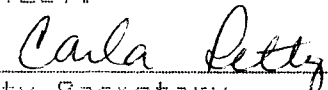
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PASSED AND APPROVED ON THIS THE 4TH DAY OF AUGUST, 1992.



ORVAL FRANCE, MAYOR
CITY OF CUMBY

ATTEST:



Carla Petty
City Secretary