

ORDINANCE NO. O-2024-11-10-IFC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ADOPTING THE 2021 INTERNATIONAL FIRE CODE WITH AMENDMENTS; REPEALING ANY PREVIOUS ORDINANCE PERTAINING TO FIRE CODES AND REGULATIONS WITHIN THE CITY; A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, and welfare;

WHEREAS, the City Council has reviewed the 2021 International Fire Code and endorses its adoption along with its amendments;

WHEREAS, the prior adoption of a fire prevention ordinance prescribing regulations was conducted on January 10, 2011 and is current Ordinance number O-2011-01-10;

WHEREAS, there does not exist an official to enforce any fire code, past, present and future; and said official should therefore be designated and given the authority to recommend the issuance of citations for Fire Code violations by the City's designated Code Enforcement/Compliance Official; and

WHEREAS, the City Council finds it necessary to adopt suitable regulations in addition to the adoption the 2021 International Fire Code, with amendments to promote the health, safety and welfare of the City of Nixon, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXON, TX:

Section 1 Adoption of 2021 International Fire Code

That a certain document, a copy of which is on file at Nixon City Hall, being marked and designated as the International Fire Code (IFC), 2021 edition, including all amendments thereto as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Nixon, Texas 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 as provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 2 Repeal of Ordinance Number O-2011-01-10

The City of Nixon, Texas has an existing ordinance dating back to January 10, 2011 that relates to fire prevention regulations, including conditions hazardous to life and property from fire or explosion. Said ordinance is numbered O-2011-01-10. This ordinance is out of date and does not

address more recent fire safety standards and should therefore be, for all purposes, repealed and replaced with the ordinance captioned above.

Section 3 Fire Code Enforcement Official

The City of Nixon, Texas does hereby designate the City's Fire Marshall as the individual responsible for the Enforcement of the City's Fire Code (2021 International Fire Code) as adopted by this ordinance. The City's Fire Marshall shall have the ability and authority to enforce the Fire Code utilizing the issuance of citations via the City's Code Compliance Department, by making any needed recommendations to City Council, the City's Planning and Zoning Commission, and/or the City's Building Inspector, as may be applicable.

Section 4 Outdoor Burning

4.1 Permit required for outdoor burning:

No person shall kindle or maintain any bonfire or rubbish fire (which includes, but not limited to, fires burning garbage, trash, limbs, leaves, papers and lumber) or authorize any such fire to be kindled or maintained within the City limits without a permit or other proper authorization from the City Fire Marshall, or his/her designee.

4.2 Exceptions to burn permit:

- 1) Fire Department training fires within the requirements of State Law,
- 2) Fires within fireplaces,
- 3) Outside noncommercial cooking fires in acceptable cooking receptacles, or
- 4) Small warming fires within containers.

4.3 Permitting:

A burn permit shall be requested via application and received prior to any outdoor burning. The burn permit application shall be requested in writing to the Code Enforcement/Compliance Officer at least five (5) business days in advance to the requested burn date. The cost of the permit shall be listed in the *City of Nixon Permit Fee and Rate Schedule* and payable to the City of Nixon. The permit application shall be available via the Code Compliance Department or available online.

4.4 Fires to be attended by competent person:

Any fire for which a permit has been issued or which is otherwise permissible hereunder shall be constantly attended by a competent person, who shall have readily available access to a hose connected to a water supply, or other appropriate fire-extinguishing equipment, until such fire is extinguished.

4.5 Authority to prohibit fires:

The City Fire Marshall or GCESD #2 Fire South Fire Chief shall have the authority to prohibit all bonfires, rubbish fires, or fires maintained for preparation of coals when atmospheric

conditions or local circumstances make such fires hazardous. If at any time the determination is made that due to changing conditions or increased safety risks, the burn permit may be cancelled and/or order the requesting and/or responsible party to extinguish the fire. If the requesting and/or responsible party cannot be located or refuses to extinguish the fire GCESD #2 Fire South is authorized to enter the property and extinguish the fire at the owner's expense (to be determined by the Fire Chief or Fire Marshall).

4.6 Compliance with State regulations:

All open burning shall be done in accordance with the rules and regulations of the state commission on environmental quality in V.T.C.A, and Texas Health and Safety Code chapter 382 and any of its amendments.

Section 5 Fireworks

5.1 Storage, Sale, or discharge prohibited:

(a) No person, firm, company, corporation or association shall cast, throw or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, cap or cartridge, or other combustible fireworks of any kind within the City limits, except as hereinafter provided.

(b) No person, firm, company, corporation or association shall store exhibit or have in their possession within the city, with intent to give away or sell or offer for sale any squib, rocket, cracker, torpedo, grenade, cap or other combustible fireworks of any kind in the City limits.

(c) This shall prohibit the discharge of all types of fireworks anywhere within the city limits.

5.2 Exceptions and Permits:

Public or private demonstrations or displays of fireworks of any kind, if conducted under proper supervision by the Fire Marshall or his designee, after application is made and a permit issued by the City Council for such demonstrations/displays. Said permit shall not be granted unless such proposed demonstration or display shall be of such a kind or character, and so located, discharged or fired, as in the opinion of the City Council, after proper inspection, shall not be hazardous to property or endanger any person or persons. Permit fee to be determined by City Council or as listed in the *City of Nixon Permit Fee and Rate Schedule*, if applicable.

Section 6 Penalties

Any person, firm or corporation violating any of the provisions of this ordinance and its incorporated Fire Code, or any person, firm, or corporations that shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than \$250.00, but not more than \$2,000. Each separate day or any portion thereof, during which any violation of this ordinance occurs or continues, shall be deemed to constitute a separate offense.

Section 7 Severability

If any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

Section 8 Effective Date

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED and APPROVED on this the 18 day of November 2024.

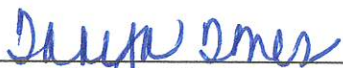
CITY OF NIXON, TEXAS




Ellie Dominguez, Mayor

ATTEST:

APPROVED AS TO FORM:



Tanya Torres, City Secretary
City of Nixon, Texas



Eduardo "Eddie" Xavier Escobar
City Attorney/General Counsel