

## **ORDINANCE NO. 648**

### **AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING MANOR CODE OF ORDINANCES CHAPTER 5 FIRE PREVENTION AND PROTECTION BY PROVIDING FOR THE APPOINTMENT OF THE FIRE CODE OFFICIAL; RELATING TO FIRE PREVENTION AND PROTECTION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Manor, Texas (the “City”) pass and approved Ordinance No. 417 on the 6<sup>th</sup> day of November, 2013, adopting certain rules regarding fire prevention and protection and the enforcement of its Fire Code as codified in Chapter 5 Fire Prevention and Protection, and;

**WHEREAS**, the City Council finds it necessary to amend Chapter 5 Fire Prevention and Protection Ordinance and adopt the amendments set forth in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:**

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2. Amendment of the Code of Ordinances.** The City Council hereby amends Chapter 5, Fire Prevention and Protection to amend the appointment of Fire Marshal, Sections 5.002.001, 5.02.002, 5.03.002, 5.03.004.

**SECTION 3. Amendment of Section 5.02.001 Office Created.** Section 5.02.001 is hereby amended to read as follows:

“In accordance with the provisions of Section 22.071 of the Local Government Code, there is hereby created and established the municipal office of fire marshal of the city.

The office of fire marshal may be filled by a person or entity as designated by the City Council.”

**SECTION 4. Amendment of Section 5.02.002 Office filled by interlocal agreement; enforcement of county fire code.** Section 5.02.002 is hereby deleted in its entirety.

**SECTION 5. Amendment of Section 5.03.002 International Fire Code adopted.** Section 5.03.002 is hereby amended to read as follows:

“That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Fire Code, 2015 edition, published by the International Code Council, as may be amended from time to time, or as may be replaced by newly published editions by the International Code Council is hereby adopted as the fire code of the city for 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 in the city and providing for the issuance of permits for hazardous uses and operations, and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this section.”

**SECTION 6. Amendment of Section 5.03.004 – Definitions.** Section 5.03.004 is hereby amended to read as follows:

*“Board of Appeals* means the appeals panel designated by the City Council.

*Fire code, International Fire Code or fire prevention code* means the International Fire Code, 2009 Edition published by the International Code Council, with changes as described in this article, and as amended from time to time or as may be replaced by newly published editions by the International Code Council.

*Fire code official* means the fire marshal appointed by city council.”

**SECTION 7. Amendment of Section 5.03.005. Fire code official.** Section 5.03.004 is hereby amended to read as follows:

“The fire marshal, and such assistants and agents as the fire marshal may designate, is hereby authorized to enforce this article and the fire code of the city, to take all actions required or authorized in provisions incorporated in this article or the fire code of the city by reference, and to conduct all inspections, review all plans, and accept all applications and/or fees for a permit or approval authorized or required by the terms of this article or the fire code of the city.”

**SECTION 8. Amendment of Section 5.03.008 – Enforcement.** Section 5.03.008 is hereby amended to read as follows:

“The fire code official shall be able to enforce criminal violations of this article or the fire code of the city in the municipal court of the city either through the city attorney, or a special prosecutor for the city, but only to the extent authorized by the city council. Any civil violation of this article or the fire code may be enforced by the city attorney in a court of competent jurisdiction.”

**SECTION 9. Repealing all Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor (“City”), the terms and provisions of this ordinance shall control.

**SECTION 10. Savings Clause.** This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**SECTION 11. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 12. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**SECTION 13. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**PASSED AND APPROVED THIS** the 4<sup>th</sup> day of May 2022.

**THE CITY OF MANOR, TEXAS:**

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Dr. Christopher Harvey, Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary