

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING CHAPTER 46, ENTITLED "FIRE PROTECTION AND PREVENTION" OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY TO UPDATE AND CLARIFY VARIOUS SECTIONS; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Chapter 46, entitled "Fire Protection and Prevention" of the League City Code of Ordinances as indicated in Exhibit A, which is attached and incorporated herein (additions, ~~deletions~~).

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective on July 28, 2022.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2022.

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PAT HALLISEY  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney

# EXHIBIT A

(additions, ~~deletions~~)

## Chapter 46 FIRE PROTECTION AND PREVENTION

### ARTICLE I. IN GENERAL

#### Sec. 46-1. Arson conviction reward—~~Established~~ Generally.

~~The city hereby offers a reward of \$1,000.00 for the arrest and conviction of any person found guilty of committing the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the general fund of the city.~~

(a) Reward offered. The city hereby offers a reward up to \$2,500.00 for the arrest and conviction of any person found guilty of committing the crime of arson or other offense associated with the crime of arson within the corporate limits of the city. This reward is a standing offer and shall be paid out of the general fund of the City.

(b) Claims generally. All claims for reward hereunder shall be made in writing, to the Fire Marshal's Office describing the reasons the claimant is entitled to a reward.

(c) Reward committee. Recommendation for the payment of the reward and the amount thereof shall be made by majority vote of a "reward committee" composed of the Fire Marshal, Fire Chief, and Director of Finance. The reward committee shall make a prompt and appropriate investigation of all reward claims and shall submit its findings and recommendations in writing to the City Manager.

(d) Approval of reward. Following receipt of the findings and recommendations of the reward committee, final approval for reward shall be made by the City Manager, provided he/she finds the same is right, just and proper. The city manager is hereby authorized to pay rewards up to two thousand-five hundred dollars (\$2,500.00) provided funds are available for such purpose. In the event funds are not available, the matter shall be submitted to the city council for final approval and appropriation of funds.

(e) Rejection of claims or applications. The city manager or city council may reject any or all claims or applications for reward including, but not limited to, those situations where:

(1) The claimant has failed to make proper application;

(2) No general funds are available for payment of the reward;

(3) The claimant has in any way participated in the arson crime whether as principal or accessory;  
or

(4) Otherwise, where it shall appear that such action is in the best interests of the City.

(f) Criteria for granting reward. In determining whether to grant a reward or the validity of amount of any reward hereunder, the reward committee may present to the city manager or city council, respectively and shall consider the following criteria:

(1) The severity or degree of the arson offense and the penalty imposed upon conviction;

(2) Any aggravating circumstances of the offense such as injury to persons, loss of life or repetitious acts of arson by the violator;

(3) The extent of damage occasioned by the arson;

(4) The character and usefulness of the information given including, without limitation, whether the information related by the claimant was new information, whether such information had already been discovered by investigation, whether the same had been otherwise previously communicated to the arson investigators, fire department or other relevant law enforcement agency, and whether the information was readily available through normal and customary investigative mechanisms;

(5) Whether the claimant appeared as a witness at the arson trial; and

(6) Such other and further criteria or factors which, based upon the totality of circumstances, may be relevant to determining the validity of a reward claim or the amount of reward payable hereunder;

(7) The availability of funds for the payment of such reward.

(g) Confidentiality of documents, records, etc. All documents, records, or other information pertaining to any claim or application of reward, to the fact or amount of any reward paid, or to the identity of any reward claimant or recipient hereunder shall be maintained in the strictest confidence together with all reports or recommendations of the reward committee or the City Manager.

(h) Decisions of City Manager or City Council final. The decisions of the City Manager and/or City Council, respectively, under subpart (e) above shall be final.

(i) False or fraudulent claim unlawful. It shall be unlawful for any person to make a false or fraudulent claim for an arson conviction reward hereunder.

(j) Penalty for false or fraudulent claim. Any person making a false or fraudulent claim for an arson conviction reward in violation of the preceding subpart is guilty of a Class B misdemeanor and, upon conviction, shall be punished as provided in Section 37.08, Texas Penal Code – FALSE REPORT TO PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, LAW ENFORCEMENT EMPLOYEE, CORRECTIONS OFFICER, OR JAILER.

Sec. 46-2. Reserved Same—~~Proclamation by mayor.~~

~~Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the fire by the city fire marshal. If the marshal shall report that~~

~~such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward prescribed in section 46-1, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city, and which shall be posted upon conspicuous places, one of which shall be the city hall, in accordance with the regulations of the state insurance department.~~

Sec. 46-3. Same—Payment.

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson, and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered in section 46-1 from the city.

Sec. 46-4. Same—Notice.

The fire marshal is hereby directed to have prepared and posted an arson reward notice on placards eight and one half (8 ½) inches by eleven (11)~~12~~ inches in size showing the following listed reward notice:

ARSON REWARD

The City of League City, Texas hereby offers a reward of up to two one thousand five hundred dollars (~~\$2,500.00~~1,000) for the arrest and conviction of any person or persons found guilty of committing the crime of arson, or other offenses associated with the crime of arson, within the corporate limits of said City of League City, Texas. This reward is a standing offer and shall be paid out of the general funds of the City of League City, Texas.

Such placards shall be placed in at least six different public buildings within the city.

Sec. 46-5. Burning of grass, trash, garbage, junk, rubble or rubbish.

(a) Purpose; authority. This section is adopted pursuant to regulations adopted by the Texas Commission on Environmental Quality under the provisions of the Texas Clean Air Act (Texas Health and Safety Code § 382.001, et. seq.), which grant to cities certain powers to enact and enforce ordinances regulating air contaminants and air pollution, and is further adopted to promote fire prevention within the city. This section authorizes any air curtain incinerator used for this purpose and operated in accordance with Texas Administrative Code, Title 30, Part 1, Chapter 106, Subchapter V, Rule 106.496.

(b) Burning prohibited. No person shall burn or cause to be burned any grass, trash, garbage, junk, rubble or rubbish within the city.

(c) Definitions. For the purpose of this section, the following definitions shall apply:

- (1) Rubble includes debris resulting from construction, reconstruction or repair of buildings, and includes all waste building materials.
- (2) Rubbish means nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, food, excelsior, furniture, plastics, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials, ~~that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).~~
- (3) Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods and shall include all putrescent wastes, including vegetables, animal and poultry offal, and carcasses of small animals and dead fowls, and shall include all substances from all public and private establishments and from all residences.
- (4) Junk includes junked automobiles, used automobile tires and damaged or used household furnishings, as well as items described in section 86-31 of the City Code.
- (5) Residential area includes two or more occupied dwellings or buildings located within 100 feet of each other.
- (6) Brush means cuttings or trimmings from trees, shrubs, gardens or lawns, or similar materials.
- (7) Combustible material means magazines, books, brush, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes and all rubbish and refuse that will ignite through contact with flames of ordinary temperatures.
- (8) Combustible unit means any boiler plant, furnace, incinerator, domestic fireplace, flare, engine or other device used to oxidize solid, liquid or gaseous fuels.
- (9) Land clearing operation means the uprooting, cutting or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access or production. It does not include the maintenance burning of on-site property waste such as fallen limbs or branches from routine property clean-up activities, nor does it include burning following clearing for ecological restoration, for which a permit is required as specified in subsection (g)(9).
- (10) Outdoor burning means any fire or smoke producing process, that is not conducted in a combustion unit.
- (11) Person means any individual, corporation, organization, partnership, business trust, association or any other legal entity.
- (12) Practical alternative means an economically, technologically, ecologically and logistically viable option. Practical alternatives may include recycling, composting, mechanical chipping or

mulching, landfilling, logging, or using a state registered forced air burner system or air curtain destructor.

(13) Sensitive receptors means humans, livestock, and vegetation. Vegetation is described as but not limited to nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants that have the potential to be damaged by smoke and heat.

(14) Solid waste means garbage, rubbish, combustible materials, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste.

(15) Structure containing sensitive receptor(s) means a manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "manmade structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

(16) Uncontrolled outdoor burning means any outdoor burning that is not conducted pursuant to an exemption provided in this article.

(d) Declaration of nuisance. Uncontrolled outdoor burning of rubbish, garbage, brush, combustible materials and all other solid waste within the city limits is hereby declared to be and within 5,000 feet of the city limits is a nuisance that creates conditions that are detrimental to the lives, health and property of the citizens of League City and interferes with the enjoyment of property and the public peace and comfort.

(e) Uncontrolled outdoor burning prohibited. No person may cause, suffer, allow or permit any uncontrolled outdoor burning of rubbish, garbage, brush, combustible materials or solid waste within the city limits or within 5,000 feet of the city limits.

(f) Exceptions. The provisions of this section shall not apply to the following:

(1) Training fire-fighting personnel.

(2) Fires used solely in the noncommercial preparation of food.

(3) Fires used solely for recreation or ceremonial purposes or used exclusively for the purpose of supplying warmth during cold weather. Such fires must be contained within a fire box, portable fireplace, chimineas, or other UL listed container or fire pits. The consumable material used must be seasoned firewood or commercial fire logs used for that purpose. Recreational or ceremonial fire pits cannot be over 1300 square inches in size with a maximum flame height of not more than 3 feet above the fire pit surface. Materials listed in subsection (C), Definitions 1,2,3,4,6,7, and 14 are not permitted materials for recreational, ceremonial fires, or supplying warmth.

~~(4) Domestic burning at a property designated for and used exclusively as a private dwelling.~~

(45) Diseased animal carcass burning when burning is the most effective means of controlling the spread of disease.

(56) On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water canals when no practical alternative to burning exists and when the materials are generated only from that property. Structures containing sensitive receptors must not be negatively affected by the burn. Such burning shall be subject to the requirements of the following subsections (g) and (h). For a single project entailing multiple days of burning, the person must not circumvent the rules for a continual burning situation established by the Texas Commission on Environmental Quality (TCEQ).

(67) Crop residue burning for agricultural management purposes when no practical alternative exists. Such burning shall be subject to the requirements of subsections (g) and (h), and structures containing sensitive receptors must not be negatively affected by the burn.

(78) Brush, trees and other plant growth causing a detrimental public health and safety condition burned by the city or county at a site it owns upon receiving site and burn approval from the TCEQ.

(89) Removal of fire hazards when there is no practical alternative and the burning will not contribute to a nuisance, traffic hazard or a violation of any federal or state ambient air standard. Any such burning shall be subject to the requirements of subsections (g) and (h).

(94) Any other outdoor burning authorized under the Texas Clean Air Act (Chapter 382 of the Health and Safety Code) and the rules adopted thereunder by the TCEQ, as such laws may be hereafter amended.

(g) Permit required ~~requirements~~.

(1) Any adult person or any firm, co-partnership, corporation, association or legal entity desiring to conduct commercial outdoor burning under subsections (f)(6), (7), or (9) shall first make written application for a permit to the fire marshal at least ten ~~five~~ business days in advance of the proposed start date. A copy of the TCEQ authorization and documentation indicating approval to conduct a trench burn must be provided to the fire marshal.

(2) A state registered forced air trench burner system or air curtain destructor shall be employed. A copy of the permit and all required paperwork shall be maintained at the burn site for the duration of the permit. The owner of the property on which the burning is to take place shall give written permission to the operator to conduct outdoor burning on the owner's property. Both the property owner and the equipment operator shall agree to the conditions established by this section and by all permits.

(3) A water tank/truck with a minimum capacity of 3,000 ~~10,000~~ gallons shall be on site during any active burning. The water tank or truck must be equipped with approved fire department connections so the water can be transferred to the arriving fire department apparatuses.

(4) It shall be the duty of the fire marshal to make an investigation as to whether the burning as proposed by the applicant for a permit under this section shall be of such a character that it may be hazardous to property or dangerous to any person; and (s)he shall, in the exercise of reasonable discretion, grant or deny the application, subject to the conditions prescribed in this section. If the application is approved, a permit shall be issued for the commercial burning of cleared materials



from a specific job site by the fire marshal. Such permit shall be for a period of time designated on the permit, but not to exceed 120 days, and the permit shall not be transferable. If the application is denied by the fire marshal, (s)he shall notify the applicant of the denial in writing.

(5) The applicant for a burn permit under this section shall, at the time of making application, furnish proof that he carries worker's compensation insurance for his employees as provided by the laws of the state; and he shall file with the fire marshal a certificate of insurance evidencing the carrying of public liability insurance in an amount not less than \$1,000,000.00, issued by an insurance carrier authorized to transact business in the State of Texas, for the benefit of the person named therein as insured, as evidence of ability to respond to damages in at least the amount of \$1,000,000.00, such policy to be approved by the fire marshal. In lieu of insurance, the applicant may file with the fire marshal a bond in the amount of \$1,000,000.00, issued by an authorized surety company approved by the fire marshal, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such burning of cleared materials or any negligence on the part of the applicant or his agents, servants, employees, or subcontractor in the accomplishment of the burning process.

(6) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water or off-site structure containing sensitive receptor(s). Wind speed shall be a minimum of six miles per hour and a maximum of 23 miles per hour.

(7) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flagpersons on affected roads in accordance with the requirements of the Texas Department of Transportation.

(8) Burning must be conducted downwind of or at least 1,000 feet from any structure containing sensitive receptor(s) located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(9) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(i) The initiation of burning shall commence no earlier than 8:00 a.m. Burning shall be completed on the same day not later than 5:00 p.m., and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from the areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time period. A permit period shall be commensurate with the projected time period necessary for the outdoor burning and the expiration date shall be stated on the permit.

~~(10) — Starting the fire: Opacity of emissions from the trench and from the operation of the blower shall not exceed 20 percent averaged over a five-minute period, except for a start-up period which shall not exceed 20 minutes. Opacity shall be measured as outlined in chapter 13, "Visible~~

~~Emissions Evaluation" of the Commission Sampling Procedures Manual, as published in January 1983, and as subsequently revised.~~

~~(i) Fill pit to a level no more than two feet below bottom of manifold with small trees and brush, if possible.~~

~~(ii) Use propane or other LPG fire torch or commercial flame thrower to ignite materials.~~

~~(iii) Engage burner allow pit to completely ignite and reach operating temperature before loading more material into the pit.~~

~~(1044)~~ Capping the pit at the end of each day shall be required. Materials shall not be added to the trench such that the materials will not be consumed by 5:00 p.m. The blower shall remain in the on position until all material is consumed so that any remaining material in the trench will not smoke or smolder when the blower is turned off.

~~(i) Using spoils (dirt) from pit excavation, cover pit with a minimum of one foot of dirt. The burn pit shall be capped with sufficient dirt so no visible smoke can be detected.~~

~~(ii) Using trackhoe compact pit cap, using more material if needed, until no visible smoke can be detected.~~

~~(ii iii)~~ Extinguish any isolated residual fires or smoldering objects that could cause a nuisance or hazard.

~~(1142)~~ A permit shall be denied or revoked by the fire marshal upon occurrence of any one or more of the following:

(i) The permittee provides false information on the permit application.

(ii) The permittee does not comply with requirements of this article.

(iii) The permittee adds garbage, rubbish, brush, combustible materials or any other solid waste to the permitted burn site for which the permit has not been issued.

~~(1243)~~ Any person desiring to conduct maintenance burning of on-site property waste, as defined in subsection (c)(9), is required to obtain a permit from the city fire marshal's office. The requirements specified in subparts (6), (7), (8), and (9)(i) of the preceding subsection (g) shall apply to such burning.

(h) General requirements for allowable outdoor burning. Outdoor burning that is authorized pursuant to the preceding subsection (f) shall be subject to the following requirements:

(1) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions or in areas covered by a current air stagnation advisory.

(2) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(3) A daily site visit will be made by the fire marshal or a member of the fire marshal staff to ensure complete compliance with the provisions of this article. Each visit will incur a cost of \$60.00 to the permit holder due and payable upon demand by invoice. Any fire department responding to and suppressing a fire at a permitted site shall be reimbursed all costs for supplies, equipment, and manpower at the rate of \$1,000.00 per hour, minimum of one hour charged for each response. Permit applicant shall post a \$10,000.00 bond to ensure payment of any such invoices.

(i) Penalty. Any person who violates any provision of this article shall be guilty of a misdemeanor which shall be punishable by a fine of not less than \$1,000.00 nor more than the maximum allowable by law for a class C misdemeanor.

(j) Responsibility for consequences of outdoor burning. The authority to conduct outdoor burning under this ordinance does not exempt or excuse the person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction even though the burning is otherwise conducted in compliance with the ordinance.

#### Sec. 46-6. Fire and smoke alarms detectors.

The installation of UL or FM approved smoke detectors ~~alarms~~ shall be required in any new building or structure, either residential or commercial, within the city limits. The smoke detectors shall be installed with electrical power with battery backup and interconnected directly together so that if one detector activates, all detectors will sound an audible alarm throughout the structure. All smoke detectors shall be installed at a minimum of every nine hundred square feet and approved by the Fire Marshal's Office. All such smoke detectors installed shall be maintained in working order by the owner, occupant, or other person charged with the responsibility for the management, care, or maintenance of the occupancy and/or building. ~~All such smoke alarms so installed shall be maintained in working order by the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building or structure.~~

Existing occupancies are required to install battery type smoke detectors. All battery type smoke detectors shall be installed at a minimum of every nine hundred square feet and approved by the Fire Marshal's Office.

(a) Fire alarm wiring installation, when required: All commercial fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices.

Sec. 46-7. Sprinkler systems.

(a) The installation of an automatic fire sprinkler system shall be required in all new commercial structures over two stories or 12,000 square feet or greater.

(b) The installation of an approved automatic fire sprinkler system shall provide complete coverage in all areas of the structure.

(c) Fire walls are not considered acceptable means of protection for the exemption of sprinkler system installations requirements. Fire walls shall not define separate buildings for the purpose of fire sprinkler installation.

(d) All fire sprinkler systems shall be approved and permitted prior to installation by the Fire Marshal's Office. All fire sprinkler systems so installed shall be maintained in compliance with all NFPA applicable standards and codes, by the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building or structure.

~~The installation of a sprinkler system shall be required in any new commercial building or commercial structure in excess of two stories in height, constructed or erected within the city limits pursuant to a building permit issued after the effective date of Ordinance No. 268. In addition, the fire marshal is hereby authorized to require a sprinkler system to be installed in any new commercial building in excess of two stories in height, under construction at the effective date of Ordinance No. 268 pursuant to a building permit issued prior to such date, wherein the system may be reasonably required in consideration of the percentage of completion. The type of system, all elements thereof and its installation shall meet the requirements and specifications of the Standard Fire Prevention Code and the National Fire Codes, as adopted by the provisions of this chapter. All such sprinkler systems so installed shall be maintained in working order by the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building or structure.~~

Sec. 46-8. Reporting of fires or alarms of fire.

Upon the occurrence and discovery of any fire or any alarm of fire within any building or structure or upon any property located within the city limits, the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building, structure or property is hereby required to report such fire or alarm of fire, immediately upon its discovery, to the fire dispatcher. Failure to so report any fire or alarm of fire or any delay in making such report after the discovery of the fire or alarm of fire shall constitute a violation of this Code.

Sec. 46-9. Evacuation of buildings on discovery of fire or alarm of fire.

(a) Upon the occurrence and discovery of any fire or any alarm of fire within any building or structure located within the city limits, the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building or structure shall order

and implement an immediate evacuation of the entire building or structure, unless an alternate evacuation plan has been approved by the fire marshal. No person shall be allowed to remain in such building or structure for any purpose whatsoever, and all persons within the building shall be immediately directed to a location of safety outside of the building or structure in which the fire was discovered. Failure to implement such required evacuation immediately upon the discovery of a fire or an alarm of fire shall constitute a violation of this Code.

(b) To facilitate fire department personnel to locate the area or zone activation, occupants or employees shall not reset any fire alarm signal. A trained individual with the responsibility to respond to an emergency may only silence a fire alarm activation, without resetting the alarm. A fire alarm activation shall not be silenced without first identifying that no emergency circumstance exists. Only fire department personnel or technicians who are employees of a qualified fire alarm company can reset a fire alarm system. Building occupants who are trained in fire protection systems may reset an activated fire alarm at the discretion of the Fire Marshal's Office.

#### Sec. 46-10. Storage of low flashpoint materials in aboveground atmospheric pressure tanks.

(a) Standard of American Petroleum Institute adopted. For the purposes of establishing rules and regulations for the construction and use of aboveground atmospheric pressure tankage in the city, there is hereby adopted, except as modified by subsections (b) through (f) of this section, by and for the city, the American Petroleum Institute Standard 650, including all appendices and subsequent modifications thereto, as promulgated by the American Petroleum Institute. Such standard is referred to, incorporated in and made a part of this section for all purposes.

(b) Minimum protections. No materials with a flashpoint of less than 150 degrees Fahrenheit may be stored in aboveground atmospheric pressure storage tanks with more than a 500-gallon capacity without the following minimum protections:

(1) All tankage must be constructed to API 650 standards. A certificate of compliance from the tank manufacturer must be on file with the fire marshal prior to the first use of the tank in the city. In addition, all tankage must comply with the requirements of the state water commission and any and all other applicable laws, rules and regulations of the state.

(2) Tank vents must be equipped with a UL listed flame arrestor to prevent ignition of the material in the tank from outside sources.

(3) Tank vents must be sized using the API standard for relief and venting using the case of direct flame exposure of the equipment to the surrounding fire. A copy of the applicable API standard and complete calculations must be on file with the fire marshal ten days prior to the first use of the tank in the city.

(4) Smoking shall be prohibited within 250 feet of such tankage or to the property line of the property on which the tank is set, whichever is less. If the nearest property line is within 250 feet of the tank, signs warning of the presence of a tank containing low flashpoint material shall be prominently posted at all property lines and on the tanks themselves so as to be readily visible

from outside the property. Such signs shall be lettered with letters a minimum of six inches in height, stating "WARNING: SMOKING HAZARD, COMBUSTIBLE LIQUID PRESENT."

(c) Inspection and testing of tanks.

(1) The fire marshal or other designated agent of the city shall have the authority to conduct frequent on-site inspections of such tanks in order to ensure that all laws, regulations and ordinances are being complied with. This authority shall include the right to take samples of the contents of such tanks for testing.

(2) The fire marshal or other designated agent may not enter private property with management in residence without notifying the management, or the person in charge at the time, of his presence and presenting proper credentials. The person inspecting the establishment shall observe the establishment's rules on safety, internal security and fire protection.

(3) Each tank covered by this section must be internally visually inspected by a certified inspector on an annual basis. The fire marshal must be notified no later than ten days in advance of the scheduled inspection and given the opportunity to accompany the owner during the inspection. At the option of the fire marshal, the owner may be required to perform more extensive testing of the areas of the tank which, in the opinion of the fire marshal, require such testing. Such testing may include dye penetrant, magnetic particle, X-ray or such other testing as the fire marshal deems necessary. An inspection record of findings, including photographs, must be made by the owner and filed with the fire marshal's office no later than 30 days after the date of the inspection.

(4) In addition to the required annual inspection, tanks equipped with an internal corrosion resistant coating must be spark tested at least every five years to detect defects in the internal coating.

(d) Approval of new tanks; existing tanks.

(1) New tanks. Before any such tanks may be utilized within the corporate boundaries of the city, the party in interest must request a permit by furnishing his plans and a permit application fee of \$50.00, along with all requested information regarding health and safety concerns, to the city engineer's office. After reviewing this information, the city engineer will provide this information, along with his written comments, to the city planning commission for its consideration at its regular meeting. Simultaneously, the applicant should publish in the legal section of a newspaper having general circulation in the city the notice of his intent to utilize the storage tanks within the city, along with a description of use, area of location, any person's right to request a public hearing and any other information deemed necessary to be included in the notice by the city engineer. Further, the applicant must send this notice by certified mail, return receipt requested, to all residents within 1,000 feet and also to adjacent property owners. If one person requests a public hearing or if the city itself deems it necessary, the city council will set such a public hearing. If no public hearing is requested, the planning commission shall either approve or disapprove the requested permit 30 days from the date all requested information is provided to the city engineer's office. If a public hearing is held, the planning commission shall have 30 days to act, such period beginning from the date of the public hearing. If action is not taken within the 30-day period, the permit shall be

deemed approved. The parties in interest may appeal the planning commission's decision to the city council.

(2) Existing tanks. Owners of existing tanks of greater than 1,000 gallons in volume have 90 days to bring their tanks into compliance with subsections (b)(2) through (4) of this section or cease the use thereof. Owners of existing tanks of greater than 500 and less than or equal to 1,000 gallons in volume have one year to bring their tanks into compliance or cease the use thereof. Existing tanks of 500 gallons or less are exempt from this section.

(e) Conflicting provisions. In cases of conflict or inconsistency in the provisions of this section and any other applicable rules or regulations, the most stringent of the provisions shall apply.

(f) Violations; penalty. Any person or agent who shall violate the provisions of this section, or fail to comply therewith or with any of the requirements thereof, or who shall utilize aboveground atmospheric pressure tankage to store low flashpoint materials without complying with this section, shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this section is committed or continued, and, upon conviction of any such violation, such person shall be fined not less than \$1.00 and not more than the maximum amount allowable by law.

#### Sec. 46-11. Explosives—Permit required.

No person, firm, corporation or other entity shall use or discharge in any manner any explosive, including, but not limited to, dynamite, nitroglycerin, and vibrating machines, other than those utilized in mineral testing as outlined in sections 42-231 through 42-238 within the city without first having obtained a permit therefor.

#### Sec. 46-12. Same—Permit application; fee; procedure.

Application for a permit hereunder shall be made with the city secretary. Such application shall contain the name of the applicant, address of the applicant, type of explosives or other geophysical methods of mineral exploration to be used, and the purpose therefor, the location and use with a map attached designating the points of use. A permit fee of \$500.00 shall accompany such application. On receipt of such application by the city secretary, the same shall be referred to the city engineer or person acting in such capacity for a report as to the compliance of such application with the provisions of this article. Such report and the application shall then be submitted to the city council. No permit shall be issued except by the approval of the city council.

#### Sec. 46-13. Same—Insurance and bond requirements.

On approval of the permit, but before issuance thereof, the applicant shall provide the city secretary with an insurance certificate showing insurance coverage of the applicant for general liability

coverage in amounts not less than \$300,000.00 per person and \$1,000,000.00 per accident. Such insurance coverage shall be provided by a good and solvent insurance company authorized to do business in the state of Texas. In addition, the applicant shall provide a bond with a good and sufficient corporate surety in the amount of \$50,000.00 conditioned that the applicant shall comply with all applicable city ordinances and with the terms of its permit. Such bond is to remain in full force and effect for 120 days after exploration ends.

Sec. 46-14. Same—Duration of permit.

All permits issued hereunder shall expire 180 ~~60~~ days from the date of issuance.

Sec. 46-15. Same—Locations at which may be used restricted.

No explosives may be used (except by underground use), discharged or detonated less than 100 feet below the ground surface. Further, no explosives shall be discharged within 1,000 feet of any permanent structure. If an explosive or a vibrating machine is utilized for mineral exploration or testing, refer to sections 42-231 through 42-238.

Sec. 46-16. Same—Quantity.

No explosives greater than 20 pounds per test shot shall be used. Test shots shall not be detonated at less than five-minute intervals per 20 pounds of charges.

Sec. 46-17. Same—Notice to be given prior to use.

No explosives or other geophysical methods of mineral exploration shall be used under this permit without the permittee having first, on the date of such proposed use, notified the city secretary in writing of the proposed time and location of the planned use. In the event the city secretary is not available, notice shall be given in writing to the chief of police, and if he is not available, then to any police personnel of the city. No testing shall be conducted on Sunday, nor between the hours of 8:00 p.m. and 6:00 a.m. local time. Notice shall also be given of the name of the person in charge of the testing for the permittee for the day on which notice is given. In addition, notice of such testing shall be given to the occupants of all dwellings located within 2,000 feet of the test site at least 24 hours prior to the testing. If an explosive or a vibrating machine is utilized for mineral exploration or testing, refer to sections 42-231 through 42-238.

Sec. 46-18. Same—Permittee required to use monitoring devices.

The permittee shall provide independent certified calibrated instruments to read the intensity of the shock waves or other effects of the use of explosives or other testing devices. Such calibrated



instruments shall be located at a point 1,000 feet from the testing point. Results from such calibrated instruments shall be filed with the city engineer.

Sec. 46-19. Depositing of hot ashes and other substances liable to spontaneous ignition into combustible receptacles.

(a) No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition into any combustible receptacle, or place the same within ten feet of any combustible materials, except in metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands and in every case shall be kept a minimum of eight feet away from any combustible wall or partition or exterior window or doorway. This includes all open flame type barbecue pits and grills.

(b) The prohibition as delineated in subsection (a) above does not apply to single-family homes.

(c) The city council can grant a variance on a showing of a hardship.

Secs. 46-20—46-30. Reserved.

## ARTICLE II. FIRE MARSHAL

Sec. 46-31. ~~Office created; office independent of other departments.~~ Assistant Fire Chief – Fire Marshal.

The position of fire marshal is hereby created as a position of the League City fire department as the Assistant Chief/Fire Marshal reporting to the fire chief or his/her designee.

Sec. 46-32. Appointment and qualifications.

The fire marshal shall be an appointed position within the fire department, and shall be assigned and appointed by the city manager or his/her designee. The fire marshal shall be certified by the state commission on fire protection as a fire inspector and arson investigator.

The fire marshal shall be properly qualified for the duties of his/her office and shall be removed only by the city manager or his/her designee.

Sec. 46-33. Duty to investigate fires.

The fire marshal or designee 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 the fire was the result of carelessness or design. The investigation shall be commenced as soon as practicable.

Sec. 46-34. Taking of testimony generally.

The fire marshal or designee, when further investigation is necessary, shall make 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 testimony to be reduced to writing and/or otherwise recorded.

Sec. 46-35. Authority to summon witnesses, require production of evidence and administer oaths.

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

Sec. 46-36. Investigations may be private; separation of witnesses.

All investigations held by or under the direction of the fire marshal or designee may, in his/her 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.

Sec. 46-37. Duty when evidence indicates crime in connection with fire.

If the fire marshal or designee 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 conspiracy to defraud, or criminal conduct in connection with any fire, he/she 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 the information obtained by him/her, including a copy of all pertinent and material testimony taken in the case.

Sec. 46-38. Misconduct of witnesses summoned by fire marshal.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal or designee 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 or designee in the matter of such investigation, or inquiry, after being summoned to give testimony in relation to any matter under investigation, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire marshal or designee to cause all such offenders to be prosecuted.

Sec. 46-39. Right of entry.

The fire marshal or designee shall have the authority, at all times of the day or night, when necessary in the performance of the duties imposed by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the building or premises where any fire has occurred, which authority shall be exercised only with reason and good discretion.

Sec. 46-40. Inspection of premises; authority to order removal or repair of dangerous conditions.

The fire marshal or designee, upon the complaint of any person having an interest in any building or property adjacent thereof, or without any complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings or premises within the city, and shall annually or more often enter upon and make, or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing, and public buildings, ~~together with the premises belonging thereto and shall semi-annually or more often enter upon and make, or cause to be entered upon and made a thorough examination of~~ all day care centers, nursing homes, and educational facilities and any other commercial business together with the premises belonging hereto. Whenever it shall be determined that 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 is so situated as to endanger other buildings or property, improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliance of any kind whatsoever is found, including chimneys, flues and pipes with which the heating appliances may be connected, or a dangerous arrangement of lighting devices or electrical wiring, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible or flammable refuse materials, wastepaper or rags, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firefighters combating a fire or to occupants, the fire marshal shall order such conditions to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises. Any owner or occupant who fails to comply with such order shall be deemed guilty of a misdemeanor.

Sec. 46-41. Record of fires.

The fire marshal or designee shall keep a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amounts of the losses, which may be determined by the investigation required by this article.

Sec. 46-42. Monthly report.

At the end of each month, the fire marshal or his/her designee shall report the National Fire Incident Reporting System (NFIRS) data to the State Fire Marshal's Office. ~~state fire marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.~~

Sec. 46-43. Fire marshal deemed fire officer and fire official for purpose of fire codes.

The fire marshal is hereby deemed to be the fire officer or fire official of the city as such terms are used in the several fire codes adopted pursuant to the provisions of article III of this chapter.

Secs. 46-44—46-70. Reserved.

### ARTICLE III. CODES

Sec. 46-71. International fire ~~prevention~~ code adopted.

The 2021 ~~2015~~ edition of the International Fire ~~Prevention~~ Code (IFC), including all supplements, appendices and addenda thereto, if any, as promulgated and adopted by the International Code Council, is hereby adopted as the standard fire prevention code of the city.

Sec. 46-72. Life safety code adopted.

The Life Safety Code, 2021 edition, including all amendments thereof, published by the National Fire Protection Association is hereby adopted as the life safety code of the city.

Secs. 46-~~73~~<sup>72</sup>—46-100. Reserved.

### ARTICLE IV. ADDITIONAL REQUIREMENTS ~~RESERVED~~

Sec. 46-101. Elevators.

(a) All buildings, other than single-family residences, three (3) stories or more in height shall have at least one elevator capable of providing access to every floor, and this elevator shall be designed to accommodate one emergency ambulance stretcher (minimum size twenty-two (22) inches by seventy-eight (78) inches in full horizontal), and the stretcher shall be permitted to enter the elevator car without shortening or tilting.

(b) In order to ensure access for emergency medical personnel, the following requirements relating to elevators and car access are stipulated:

(1) At least one elevator which shall be identified for emergency medical service use.

(2) The emergency medical service elevator shall have the following design criteria:

(i) The inside car dimension shall be not less than fifty-one (51) inches by eighty-two (82) inches;

(ii) The door access into the elevator shall be not less than forty-two (42) inches wide and positioned on the long axis of the car.

(iii) The elevator provided with these requirements shall be clearly marked and have key control for recall by the emergency medical personnel.

(iv) Each elevator shall have a lock box, approved by the Fire Marshal located adjacent to the elevator on the first-floor housing emergency keys and tools to aid in rescue of trapped individuals inside a non-working elevator. All elevators shall be equipped with two-way communications that are monitored 24 hours a day for emergency use inside the car.

Sec. 46-102. Electronic gates and emergency access.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:

Remote access points mean other gates that are remote from the main entrance gate or gates that are remotely located for alternative entry

(b) Operations. If the owner or developer of a gated subdivision, gated multi-family complex, or gated commercial complex does install gates at their facility, the owner or developer shall install electrically operated gates at all entrances and remote emergency access points. If the facility has more than two emergency access gates, the Fire Marshal may allow any additional gates to be manually operated.

a. All entrances and remote access points shall have a manual means of operation in case of power failure or other inoperability to allow for ingress and egress.

b. Each entrance and remote access point shall be equipped with a “Click2Enter” radio controller to allow emergency vehicles access to the facility.

c. If the radio operated controller or gates are otherwise inoperable, the gates shall be left opened until the gates are repaired and in good operating condition.

(c) Inspections. Plans shall be submitted to the Fire Marshal’s Office and Building department for approval prior to installation of any emergency access gate. Approved permits must be received by the contractor prior to any installation. Final inspections and testing shall be required prior to the gate being placed into service or operation.

(d) Retrofitting existing complexes. All such electrically operated gates in existence prior to the effective date of this ordinance shall have twelve (12) months from the effective date to install compliant “Click2Enter” radio operated controllers. The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the gate system.

#### Sec. 46-103. Barbeque pits in multifamily dwellings and other similar structures.

This section shall apply to all structures, buildings or premises used or designed for multifamily dwellings, apartment houses, townhomes, condominiums, hotels, motels, or similar structures.

(a) General Prohibition. No person shall construct, erect, install, maintain, store, or use any barbecue pit, barbecue grill, or other flame producing cooking device within ten (linear) feet of a structure or any combustible surface, including but not limited to, a deck, porch, balcony, wall, or veranda; or beneath any balcony stairs, porch, or roof overhang.

(1) Electric barbecue pits or grills are exempted from this section, provided that they have no open flame and are equipped with a noncombustible metal lid, with a handle, that fits over the entire cooking surface.

(b) It shall be a violation for any person to own or manage any multifamily structure without providing the Fire Marshal, upon request, written documentation that each and every current tenant has been advised of the prohibition on cooking with barbecue pits, grills, and other flame producing cooking devices. Such documentation shall contain the signed acknowledgement by each tenant.

#### Sec. 46-104. Food booths and food vendors.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:

Barbecue grill means a device that cooks food by applying heat.

Barbeque pit means a method and constructed item for preparing food products buried below the surface of the earth.

Booth, food booth, food stand, or temporary food service facility means a temporary stationary, non-wheeled, structure used to prepare and sell food.

Food vendor means a person or agency that sells ready-to-eat food or drinks in a street or public place from a portable food booth, food cart, or the like.

Mobile food vendor means a self-contained food service operation, located in a readily movable motorized wheeled, or towed vehicle, used to store, prepare, display, or serve food.

Stationary means not moving or not intended to be moved.

(b) Permits. It shall be unlawful for a food vendor or mobile food vendor, either mobile or stationary, to operate without a permit. The required permit shall be obtained through the Fire Marshal's Office. Food vendors are required to obtain a permit for each event. Mobile food vendors are required to obtain a permit annually. The Fire Marshal shall have the power to issue or deny such permit as such officer deems proper, considering the danger to the health and safety of the inhabitants of the city, and/or the danger to property in the city. The Fire Marshal shall keep a record of all permits issued.

(1) Prior to approval for a permit, the applicant shall submit to the Fire Marshal, a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy.

i. Exceptions to the insurance requirement in subsection (b)(1) is any organized event sponsored by an organization providing insurance covering each food vendor in the aggregate amount stated in paragraph (b)(1) above.

(2) A fee shall be required for the issuance of a permit as indicted in the current city fee schedule.

(c) Fire protection.

(1) A minimum of (1) one 3A-40 BC fire extinguisher shall be required for all food booths and mobile food vendors, mounted in a conspicuous place within the kitchen area as close to the primary exit point as practical. Booths containing deep fat fryers shall also have a Class K portable fire extinguisher for up to (4) four fryers having a maximum cooking medium capacity of eighty (80) pounds each. For every additional group of (4) four fryers having a maximum cooking capacity of eighty (80) pounds each, an additional Class K extinguisher will be required. For individual fryers exceeding (6) six square feet in surface area, Class K extinguishers will be installed in accordance with manufacturers' recommendations. All fire extinguishers shall have a current inspection sticker from a licensed extinguisher company.

(2) Food booths utilized for cooking shall meet these minimum location requirements:

i. Food vendor shall not be closer than (15) fifteen feet to any structure.

- ii. Food vendor must remain at least (15) fifteen feet away from any fire hydrant.
- iii. Food vendor shall not block access to a Fire Department Connection (FDC) or be placed within marked fire lanes unless otherwise approved by the fire marshal.
- iv. Food vendor shall not obstruct any entrances or exits from a structure or obstruct existing traffic patterns.
- (3) Barbeque pits or grills shall not be located within (10) ten feet of combustible materials. Barbeque pits shall not be located under the food booth canopy.
- (4) Wood or charcoal, propane, natural gas, and electricity are the only approved cooking sources for food vendors.
- (5) Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Generators shall be isolated from contact with the public. Storage of gasoline is not allowed in or near generators or food booths. Generators shall be placed at least (10) ten feet from buildings, structures, vehicles, and combustibles. Generator exhaust shall be directed away from mobile cooking vehicle, vehicles, buildings, structures, exits, and openings. Generators shall be shut down, engine cooled, and then refueled.
- (6) All decorative material shall be at least (6) six feet away from any open flame, cooking element, or heat source or be flame resistant.
- (7) All concession stands shall have a minimum of a thirty-six (36) inch aisle for emergency escape.
- (8) Egress access, egress, and egress discharge from a mobile food vendor shall be unobstructed.
- (9) All mobile food vendors shall comply with the requirements of the NFPA 1, Chapter 50 - Commercial Cooking, Section, 50.7- Mobile and Temporary Cooking operations must be met.
- (d) Fuel and gas containers.
  - (1) All equipment used in conjunction with propane tanks must be UL Listed for the purposes in which they will be used. Tanks shall be secured to prevent falling. Tanks shall only be white or aluminum in color. Only one (1) spare tank will be allowed in a food booth. Emptied propane tanks are to be removed from the site immediately after use. Regulators shall be attached to the tanks as close as possible. Tank shutoff valves and/or additional shutoff valves shall be accessible and away from the cooking appliance(s). Propane tanks shall not be within (5) five feet of an ignition source. Propane tanks shall not be located within (10) ten feet of a building door or window.
  - (2) Gas containers shall be located and secured on the exterior of the mobile food vendor unit, open to atmosphere or if containers are kept in a compartment, said compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.



(3) The fuel containers must have a one-quarter ( $\frac{1}{4}$ ) turn shutoff valve located outside the confines of the unit, or which is readily accessible and marked with a sign consisting of three (3) inch red letters on a white background, which states "FUEL SHUTOFF." This valve must be placed where it can be readily seen and reached without endangering the person(s) attempting to turn off the fuel source in the event of fire.

(4) All mobile food vendors and food booths with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of three (3) inch red lettering on white background.

(5) Any hose used to pipe LPG to a device shall be listed by UL, FM, or other approved agency and listed specifically for LP Gas service. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and 54, or be deemed unapproved and removed from service.

(6) LPG tanks located outside the mobile food vendor or food booth unit shall be a minimum of (5) five feet from the primary means of egress.

#### Sec. 46-105. Fire debris.

(a) All properties damaged by fire are hereby declared a nuisance and must be secured and properly cleaned up by the owner, occupant or person in control of the property.

(b) Any person, firm or corporation responsible for any fire or impermissible smoke discharge shall bear all costs and complete all actions necessary to remedy and assist in the remedy of all the effects of such fire and/or smoke, at no cost to the city.

(c) Whenever any building or other structure is partially or totally burned, the owner or occupant of the property or the person in charge or control thereof, within ten (10) days after notice from the Fire Marshal's Office, shall remove from the premises all refuse, debris, charred and partially burned lumber and material as directed in such notice. If such building or other structure is burned to such an extent that it is rendered incapable of being repaired, the owner or occupant of the property upon which the same is located or the person in control thereof, within ten (10) days after notice from the fire marshal, shall remove from the premises all of the remaining portions of the building or structure that are damaged beyond repair and immediately secure the property as directed.

(d) The Fire Marshal may direct the owner, occupant or person in control of the property in the necessary measures to secure the premises after a fire. The owner, occupant or person in control of the property shall promptly comply with the directive of the fire marshal. Failure to comply with the written directives of the fire marshal within ten (10) days of the notice shall be a violation of this article.

(e) When deemed necessary by the fire marshal due to an imminent threat to the public safety or an attractive nuisance constituting an imminent threat, the fire marshal may cause immediate cleanup to be initiated by the fire department or by an authorized individual or firm.

(1) All costs associated with such cleanup shall be borne by the owner, operator, person in control of the property or other person responsible for the fire or impermissible discharge of smoke. Failure of a person deemed responsible for a fire to pay the costs of cleanup shall be deemed a violation of this article.

Sec. 46-106. Hazardous material recovery and response charges.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:

Business Entity or Person means any corporation, sole proprietorship, partnership, limited partnership, firm or other similar entity, or any individual person, engaged in any commercial, business or industrial transactions of any nature.

Hazardous Material means any substance defined under Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); any biological agent or other disease-causing agent which, after release into the environment and upon exposure, ingestion, inhalation, or assimilation by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring; any substance listed by the U.S. Department of Transportation as hazardous materials under 49 CFR 172.101 and appendices; or any hazardous waste as defined under 29 CFR 1910.120.

Responsible Party means all persons involved in the possession, ownership or transportation of any hazardous material that is released or abandoned, or who have legal liability for the causation of an incident resulting in the release or abandonment of any hazardous materials.

Service means response by one or more Fire Department units to an incident involving a leakage, spill and/or other release and/or abandonment of any hazardous material.

Service Call means the period of time from the arrival of Fire Department units at the site where the service is to be performed, to the return of all department units to an available status.

(b) In order to defray the costs incurred by the city for providing hazardous materials service by the Fire Department, charges are hereby established to be paid and collected from the responsible party.

(1) For service calls of more than one hour from the time of dispatch, the responsible party shall pay for all city equipment involved in the response based on the most current FEMA schedule of equipment rates. The responsible party shall also pay for personnel costs and all consumables utilized during the response.

(c) If the responsible party cannot be identified or refuses to remedy all hazardous conditions created by leakage, spill and/or other release and/or abandonment of a hazardous material, the Fire

Department may contract with a third party to complete the necessary remedial measures. The responsible party shall pay for all third-party costs, plus an additional 20% of third-party cost, associated with the hazardous materials remediation.

(d) It shall be the duty of each responsible party to report any incident involving any leakage, release, spill or abandonment of any hazardous materials to the Fire Department immediately upon the discovery of the same, or as soon thereafter as possible.

#### Sec. 46-107. Palapas and similar construction.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:

Palapas or similar structures means structures with thatch material, such as, gazebos, pavilions, pergola, pole barns, tiki huts, or other accessory buildings.

Natural Thatch Material or Thatch means materials such as dried palm leaves, straw, reeds, leaves, or other material of an organic nature that is used for the covering of roofs, walls, or as building material.

Synthetic Thatch Material or Synthetic thatch means panels or materials constructed of high-density polyethylene material (HDPE) that has some fire-resistant characteristics.

(b) General Requirements. Natural Thatch Material as defined in this ordinance shall not be permissible as the covering for palapa or similar structures. Permitted coverings shall only be Synthetic Thatch Material. Information on the covering material, including manufacturers specifications must be furnished to include detail cut sheets, material specifications, and design installation criteria at the time of plan submittal. Thatch leaves may not be attached to the underneath of a palapa or similar structure.

(c) Inspections. All required inspections shall be completed by the City of League City Building Department and Fire Marshal's Office.

(d) Existing Palapas.

(1) Residential: Existing palapas in place before the effective date of this ordinance may remain as built until such time that fifty (50) percent (accumulative) of the natural thatch material must be replaced, at which time it shall comply with this ordinance.

(2) Commercial: Existing palapas in place before the effective date of this ordinance may remain as built until such time that fifty (50) percent (accumulative) of the natural thatch material is replaced, at which time it shall comply with this ordinance.

Secs. 46-~~108~~~~101~~—46-129. Reserved.

## ARTICLE V. RESERVED

Secs. 46-130—46-150. Reserved.

## ARTICLE VI. FIREWORKS

### Sec. 46-151. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context indicates a different meaning:

Distributor means a person who sells fireworks to retailers or to jobbers, for resale to others.

Fireworks means any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, such as firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs, or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether specifically designated and defined in this section or not.

Fireworks 1.3G means a large fireworks device:

- (1) Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and
- (2) (2)Classified as a 1.3G explosive by the department in 49 CFR 173 (1996).
- (3) these type of fireworks are commonly called “commercial grade fireworks”

Fireworks 1.4G means a small fireworks device:

- (1) Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation;
- (2) (2)That complies with the construction, labeling, and chemical composition requirements of the United States Consumer Product Safety Commission in 16 CFR 1507 (1996), or the most recently adopted version of that rule; and
- (3) That is classified as a 1.4G explosive by the department in 49 CFR 173 (1996).
- (4) These type of fireworks are commonly called “consumer or personal use fireworks”

Illegal fireworks means a fireworks device manufactured, distributed, or sold in violation of this article.

Importer means a person who imports fireworks from a foreign country for sale to distributors, jobbers, or retailers within the state.

Jobber means those who purchase fireworks for resale to consumers only.

Manufacturer means a person engaged in the making or assembly of fireworks.

Person means and includes any natural person, association of persons, partnership, company, corporation, agent, or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, and administrators.

Public display means the igniting and discharging of fireworks for public amusement.

Retailer means a person who purchases fireworks for resale to consumers only.

#### Sec. 46-152. General prohibition.

It shall be unlawful for any person to manufacture, store, possess, sell, offer for sale, use or transport, except as provided ~~in section 70-2 in this chapter~~, any fireworks within the city.

#### Sec. 46-153. Exceptions.

The general prohibitions as set forth in section 46-152 of this article shall not apply to the following:

(1) Section 46-152 shall not apply to (i) toy pistols, toy canes, toy guns, or similar devices in which paper caps containing 0.0025 grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and (ii) toy paper pistol caps which contain less than 0.0025 grains of explosive compounds, the sale and use of which shall be permitted at all times.

(2) It shall not be unlawful, upon a permit issued by the city fire marshal, for any person engaged in any organized play, legitimate theatrical performance, circus, or other show designed for the amusement and edification of the general public to use, discharge, or cause to be discharged and ignited fireworks as a part of an act, performance, play, or circus, so long as such person does not also engage in the retailing, wholesaling, selling, or distribution of any of such fireworks. The fire marshal shall cause to be made an investigation of each application made under this article to determine whether the use of such fireworks as proposed shall be of such a character that it may be hazardous to property or dangerous to any person; and he shall, in the exercise of reasonable discretion, grant or deny the application for such permit.

(3) Section 46-152 shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroads, which signal flares and torpedoes are received by and stored or transported by any railroad for use in railroad operation; nor shall section 46-152 apply to any marine signal flare or rocket which is transported or received or stored for use only as ship's stores; nor shall section 46-152 apply to signal flares or rockets for military or police use, nor shall section

46-152 apply to signal flares for use by motorists in distress, nor shall section 46-152 apply to signal flares for use by fire department personnel.

(4) Section 46-152 shall not apply to a person transporting fireworks 1.4G by motor vehicles within the city limits.

(5) Section 46-152 shall not apply to a person transporting fireworks 1.3G by motor vehicle as long as the person only travels through the city limits using only use approved hazardous materials routes, as approved by the Texas Department of Transportation, unless permitted by the State of Texas.

#### Sec. 46-154. Public displays exempted.

The provisions of section 46-152 shall not apply to a public display of fireworks made under the terms and conditions of this section, and such display shall be permitted upon compliance with the provisions of city's adopted fire prevention code and of this section, as follows:

(1) Any adult person or any firm, co-partnership, corporation or association planning to make a public display of fireworks shall first make written application for a permit to the fire marshal at least 48 hours in advance of the date of the proposed display.

(2) It shall be the duty of the fire marshal to make an investigation as to whether the display as proposed by the applicant for a permit under this section shall be of such a character that it may be hazardous to property or dangerous to any person; and he shall, in the exercise of reasonable discretion, grant or deny the application, subject to the conditions prescribed in this section. If the application is approved, a permit shall be issued for the public display by the fire marshal. Such permit shall be for a period of time designated on the permit, but not to exceed 14 days, and the permit shall not be transferable. If the application is denied by the fire marshal, he shall notify the applicant of the denial in writing.

(3) The applicant for a display permit under this section shall, at the time of making application, furnish proof that he carries worker's compensation insurance for his employees as provided by the laws of the state; and he shall file with the Fire Marshal a certificate of insurance evidencing the carrying of public liability insurance in an amount not less than \$300,000.00, issued by an insurance carrier authorized to transact business in the state, for the benefit of the person named therein as insured, as evidence of ability to respond to damages in at least the amount of \$300,000.00, such policy to be approved by the fire marshal. In lieu of insurance, the applicant may file with the fire marshal a bond in the amount of \$300,000.00, issued by an authorized surety company approved by the fire marshal, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks or any negligence on the part of the applicant or his agents, servants, employees, or subcontractors in the presentation of the public display.

(4) The range of aerial displays shall not be more than 200 feet, and the fireworks shall be discharged vertically from tubes approved by the fire marshal.

- (5) The limit of a display authorized by this section shall be not more than 45 minutes per performance, and there shall not be more than two performances in each 24-hour period.
- (6) No public display of fireworks shall be of such a character and so located, discharged, or fired as to be hazardous or dangerous to persons or property, and this determination shall be within the sound discretion of the fire marshal.
- (7) The persons handling the display of fireworks under this section shall be competent, adult persons and experienced pyrotechnic operators approved by the fire marshal. No person not approved by the fire marshal shall handle fireworks at the public display. The names of the experienced pyrotechnic operators shall be designated on the permit issued.
- (8) For each public display of fireworks under this section, the fire marshal may require not less than two firefighters and fire fighting equipment of the city be in attendance during the display. The expense of such firefighters and fire fighting equipment at the display shall be borne by the applicant for the permit and shall be paid in advance at the time of the application for the permit.
- (9) The material to be used for a public display authorized by this section shall not be stored within the city limits, but shall be brought in on the day of the public display and then shall be taken immediately to the place of display for further handling and storage.

Sec. 46-155. Illegal fireworks declared nuisance; seizure and destruction.

- (a) The presence of any fireworks within the city and within the area immediately adjacent and contiguous to the city limits extending for a distance outside of such city limits for a total of 5,000 feet, and not included in the corporate boundary or extraterritorial jurisdiction (ETJ) of any other municipality, in violation of this article, is hereby declared to be a common and public nuisance. The fire marshal or any other law enforcement officer is directed and required to seize any fireworks found in violation of this article, and any authorized deputy of the fire marshal, or any police officer of the city, or any other duly-constituted state peace officer is empowered to stop the illegal transportation of and detain any fireworks being transported illegally or to close any building where any fireworks are found stored illegally in order that such fireworks may be seized in accordance with the terms of this section. Property located within the corporate boundary or ETJ of any other municipality shall be governed by the laws and rules of the municipality claiming the corporate boundary or ETJ.
- (b) Notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the city, the fire marshal, or both, for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping, or use of fireworks within the city or within the 5,000-foot area described in subsection (a) of this section. It shall not be necessary to obtain injunctive relief as a prerequisite to the seizure of fireworks.
- (c) If any fireworks or combustibles are deemed by the fire marshal to be in such a state or condition as to constitute a hazard to life or property, the fire marshal may dispose of such

fireworks or combustibles without further process of law. The fire marshal is authorized to dispose of any abandoned fireworks or combustibles that are deemed to be hazardous to life or property.

(d) If the person so charged is found guilty of violating the provisions of this article or any rule or regulation adopted pursuant thereto with regard to possession, handling, or storage of fireworks or combustibles, the fire marshal is authorized to dispose of the confiscated material in such a way as shall be deemed equitable.

Sec. 46-156. Penalty for violation of article.

Any person, firm or organization found guilty of violating any of the provisions of this article shall upon conviction be punished by a fine as set forth in section 1-5 of this Code.