

## Chapter 5 – Fire Protection

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### **ARTICLE 05.01.00. FIREWORKS**

#### **Sec. 05.01.01. Definition**

1. "Fireworks" shall mean and include any combustible or explosive composition, or any substance, or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bottle rockets, or other devices of like construction and any device containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths (0.025) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission Regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times. (Ord. No. 07-85 § 1, 4-29-1995; Ord. No. 20-07, 8-29-2000)

#### **Sec. 05.01.02. Manufacture, sale and discharge of fireworks.**

- A. Manufacture of fireworks prohibited. The manufacture of fireworks is prohibited within the City of Bayou Vista, Texas.
- B. Unlawful to store, sale, explode fireworks; exception. It shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, provided, however, that the Board of Aldermen may, on application, issue a permit for a public display of fireworks.
- C. Permits. Applications for permits shall be made in writing at least thirty (30) days in advance of the date of the display. No permit granted hereunder shall be transferable. (Ord. No. 07-85, § 2, 4-29-1995; Ord. No. 20-07, 8-29-2000)

#### **Sec. 05.01.03. Seizure of fireworks.**

- A. Any fireworks being used, sold, offered for sale or stored in violation of this section are declared contraband and may be confiscated, without warrant, by any police officer and destroyed under direction of the fire marshal. (Ord. No. 20-07, 8-29-2000)
- B. Editor's note: Ord. No. 20-07, adopted Aug. 29, 2000, repealed the former § 5.203 and enacted a new section as set out herein. The former § 5.203 pertained to bond and responsibility for fireworks display required, and derived from Ord. No. 07-85, § 3, adopted April 29, 1995.

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### **Sec. 05.01.04. Penalty**

- A. Any person, firm, or corporation violating this section shall, upon conviction be punished as prescribed in section 1.106 of this Code. (Ord. No. 20-07, 8-29-2000)

Editor's note: Ord. No. 20-07, adopted Aug. 29, 2000, repealed the former § 5.204 and enacted a new section as set out herein. The former § 5.204 pertained to seizure of fireworks and derived from Ord. No. 07-85, § 4, adopted April 29, 1995. Now see § 5.203 for provisions regarding seizure of fireworks.

NOTE: **Ordinance 2015-11** amending Chapter 5 of the Code of Ordinances of the City of Bayou Vista, Texas, was approved at the regular Called Meeting of City Council on 11-24-2015, for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the work “village” for the word “City.”

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### **ARTICLE 05.02.00. ARSON REWARD**

- A. The City hereby offers a reward of two hundred fifty dollars (\$250.00) for information leading to the arrest and conviction of any person found guilty of committing the crime of arson within the City. This reward is a standing offer, and shall be paid out of the general fund of the City.
- B. Whenever the Mayor shall be informed that any fire occurring within the City was of an incendiary origin, the Mayor shall call for a report on the same by the fire marshal. If the fire 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 this article, which reward shall be in the form of a proclamation duly issued by the Mayor and which shall be posted upon conspicuous places, one (1) of which shall be the City office, in accordance with the regulations of the state board of insurance.
- C. 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 this article from the City. The Board of Aldermen shall be the sole and exclusive judge in determining eligibility for this reward.
- D. The City secretary is hereby directed to have prepared and posted an arson reward notice on placards approximately eight (8) by twelve (12) inches in the size showing the following listed reward notice:

**"ARSON REWARD**

The City of Bayou Vista, Texas, hereby offers a reward of TWO HUNDRED FIFTY DOLLARS (\$250.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the limits of said City of Bayou Vista, Texas. This reward is a standing offer and shall be paid out of the general funds of the City of Bayou Vista, Texas."

- E. Such placards shall be placed in wooden frames under glass, and shall be located and placed in at least two (2) different public buildings within the City. (Ord. No. 93-03, § 1, 7-27-1993; Ord. No. 96-03, 5-7-1996)

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### **ARTICLE 05.03.00. FIRE MARSHAL**

#### **Sec. 05.03.01. Creation of office.**

- A. The office of Fire Marshal is hereby created. The Fire Marshal shall be appointed by the Board of Aldermen and shall serve at the discretion of the Board. (Ord. No. 93-08 § 1, 11-9-1993)

#### **Sec. 05.03.02. Compensation.**

- A. The Fire Marshal shall receive such compensation, if any, as may be fixed by the Board of Aldermen. (Ord. No. 93-08 § 2, 11-9-1993)

#### **Sec. 05.03.03. Term of office.**

- A. The Fire Marshal shall not be appointed for a definite term, but may be removed at the will and pleasure of the Board of Aldermen by a vote of a majority of the entire Board. The action of the Board in suspending or removing the Fire Marshal shall be final. In case of absence or disability of the Fire Marshal, the Board may designate some qualified person to perform the duties of the office during such absence or disability. (Ord. No. 93-08 § 3, 11-9-1993)

#### **Sec. 05.03.04. Duties.**

- A. The Fire Marshal shall have the following duties:
1. To investigate the cause, origin and circumstances of every fire occurring within the City by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design and enforce the Southern Standard Fire Code.
  2. To review the records of the City of Bayou Vista Fire Department of all fires, together with all facts, statistics and circumstances, including the origin of the fire and the amount of the loss.
  3. To enter any and all commercial and/or non-residential structures to inspect for compliance with the Southern Standard Fire Code and issue written citations for violations of the Southern Fire Code. All violations must be corrected within ten (10) days from the date of issuance of citation. Failure to comply will result in a fine in accordance with the general penalty provision found in section 1.106 of this Code. within the time-limits as set by the Fire Marshal.
  4. Whenever the fire official shall determine that a condition or operation found in any building or upon any premises or in or upon any property, which, in the opinion of the, Fire Marshal constitutes a hazard to the health, safety or general welfare of its occupants, the citizens of Bayou Vista, Texas, or to the public, the Fire Marshal may proceed to vacate the premises, correct the violations and take any and all other measures, including emergency measures, to abate the nuisance as provided thereunder.

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5. Whenever the Fire Marshall or his designee shall deems that a dangerous or unlawful number of persons are accumulated in any building, premises, or on any property or in any area of a building, premises or property the fire marshal or his designee shall immediately notify the owner or the person in control of the building, premises or property to have the condition corrected immediately. If the condition is not immediately corrected the Fire Marshal or his duly authorized representative shall order the building, premises or property or area closed and all occupants to be vacated, until such condition is corrected.
6. The Fire Marshal or his designee may affix a condemnation tag prohibiting the use thereof of any equipment, operation or procedure which he determines to be unsafe, defective or which creates a fire hazard. When affixed, such tag may be removed only by the fire marshal or his designee and may be removed only when the hazard to which the order pertains has been corrected in an approved manner. Until removed that item or device, operation or procedure which has caused the hazard shall not be used or permitted to be used. Unauthorized removal of such condemnation tag shall be a violation of the Code.
7. To complete monthly Fire Marshal's reports and provide to Bayou Vista Fire and Safety Coordinator to be mailed by Certified Mail by the fifth day of each month the City of Bayou Vista.
8. To inspect all commercial and/or non-residential structures a minimum of every six (6) months for compliance with Southern Fire Code.
9. To order the fire department in time of fire, to place ropes, barricades or guards across all streets, thoroughfares, lanes or alleys on which shall be situated any building on fire, and at such other points as it may deem expedient and necessary, and the members of the department who have been assigned by the Fire Marshal or fire official for policing purposes shall prevent any and all persons, except officers and members of the fire department, from entering the lines designated by ropes, barricades or guards.
10. To maintain arson and hazard material signs as per state requirements.  
(Ord. No. 93-08, § 4, 11-9-1993)

### **Sec. 05.03.05. Issue permits.**

Fire Marshal shall issue permits as follows:

- A. A person, firm or corporation shall not maintain, store or handle materials, or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities.
- B. No person shall engage in the business of installing, maintaining or testing a fire protection system or appliance without applying and obtaining a permit issued by the City. The Fire Marshal shall issue a permit to such person upon:
  - C. Determining that such business to be engaged upon by the applicant meets all the fire safety criteria set forth herein and meets all other applicable laws, rules, ordinances and regulations.

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- D. Showing a current certificate of registration or license issued by the Texas State Fire Marshal's office.
- E. Prior to the installation of any fire protection system or appliance, a complete set of engineering plans regarding the system or appliance will be submitted to the Fire Marshal for approval.
- F. All fire protection systems or appliances being installed or otherwise maintained, shall be done by firms or persons that possess a current certificate or registration or license issued by the Texas State Fire Marshal's office.
- G. Persons who service, repair, or test fire alarm equipment or sprinkler systems or any person who intends to shut down the operation of any fire protection equipment or appliance shall notify the fire marshal prior to beginning such work and upon completion of any tests, repairs or shutdown.
- H. The Fire Marshal shall designate the type and number of fire appliances and/or fire extinguishers to be installed and maintained in and upon all buildings and premises other than one- and two-family.
- I. All flammable and combustible liquid tanks, with a capacity of five hundred (500) gallons or more, will be anchored to protect and prevent the tank from rising or shifting. When anchoring tanks with pads or dead-man, the installer should use straps and cables of appropriate size and strength to prevent the rising or shifting of the tank. Straps over steel tanks shall be separated from the tank structure by a cushion of non-conducting material, such as neoprene, to protect the tank. Hardware used shall be coated, heavy duty, corrosion resistant material or stainless steel.
- J. Unless otherwise provided for herein, all permits required pursuant to this article, shall be valid for a period of one (1) year after the date of issue.  
(Ord. No. 93-08, § 5, 11-9-1993)

### **Sec. 05.03.06. Interference**

- A. It shall be unlawful for any person to interfere with or, in any manner, hinder the fire marshal or any member or employee of the fire department in the discharge of his duties.
- B. It shall be unlawful for any person not a member of the fire department to handle or in any way interfere with any of the apparatus belonging to or used by the Fire Marshal, fire department, either at a fire or while traveling to or returning from a fire or while standing in the fire department quarters, or at any time, unless such person is requested to do so by an officer of the department.(Ord. No. 93-08, § 6, 11-9-1993)

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### **Sec. 05.03.07. Penalties**

- A. Any violation of any section, subsection, or part of this article shall be deemed a misdemeanor and, upon final conviction, every person, firm, association, corporation or partnership guilty of such violation shall be fined in accordance with the general penalty provision found in section 1.106 of this Code. (Ord. No. 93-08 § 7, 11-9-1993)

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### ARTICLE 05.04.00 EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICES

#### Sec. 05.04.01. Scope

- A. This article shall govern and apply to the operation of ambulance service, ambulances and ambulance personnel within the city.

#### Sec. 05.04.02. Definitions.

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. *Ambulance* means any privately or publicly owned motor vehicle constructed, reconstructed, arranged, equipped, used or otherwise intended to be used for transportation of sick, injured or otherwise incapacitated persons from one place to another. The term shall be construed to mean either emergency ambulances or transfer ambulances.
  2. *Ambulance service* means the providing or making available to the public or to any person of a motor vehicle and any personnel required by this article for transportation of and/or the provision of pre-hospital emergency medical services to an individual who is sick, injured or incapacitated, whether in emergency circumstances or in a transfer situation.
  3. *Emergency* means any combination of events or circumstances which results in life- or body-threatening injury or illness requiring immediate emergency medical services.
  4. *Emergency ambulance or rescue vehicle* means any motor vehicle constructed or designed for transporting the sick or injured, and which meets all of the existing requirements established by the state department of transportation, GSA Bulletin KKK-A-1822, as referenced by state department of health, and the provisions of this article.
  5. *Emergency ambulance service* means any organization or operation which utilizes an emergency ambulance to respond to the scene of an emergency for the purpose of rendering emergency medical services and/or providing transportation of the sick and injured to a hospital or other place for medical attention.
  6. *Emergency call* means any request for ambulance service that is made in circumstances which are, or have been represented to be, an emergency and require immediate pre-hospital emergency medical service.

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7. *Emergency care attendant (ECA)* means any person who has met all the minimum requirements established by this article, and who has completed all of the training requirements established by the state department of transportation's Emergency Care Attendant Outline and who has met all of the requirements established by the state emergency care attendant registry.
8. *Emergency medical service (EMS)* means the emergency medical service system established for the purpose of providing to the citizens of the city an emergency medical service utilizing emergency medical technicians (EMTs) and emergency vehicles in compliance with the regulations outlined in this article.
9. *Emergency medical technician (EMT)* means any person who has met all the minimum requirements established by this article, and who has completed all of the training requirements established by the Texas Department of State Health Services Emergency Medical Technician Outline and who has met all of the requirements established by the state emergency medical technician registry.
10. *Emergency transfer* means any transportation provided for a patient by an emergency vehicle from one hospital or other place of treatment, after initial stabilization, to another hospital or other place of treatment for definitive care, under emergency circumstances.
11. *Non-emergency* means any situation not classified as an emergency.
12. *Transfer* means movement, in a transfer vehicle, of pre-scheduled non-emergency patients from place to place.
13. *Transfer ambulance* means any motor vehicle constructed, arranged and equipped for transporting non-emergency patients from place to place, and which meets the requirements of Vernon's Annotated Civil Statutes, the requirements of the state department of health, and the provisions of this article.
14. *Transfer ambulance service* means any organization or operation utilizing a transfer vehicle for the purpose of transporting non-emergency patients from one place to another.

### **Sec. 05.04.03. Persons and agencies authorized to furnish ambulance service.**

- A. Except as may otherwise be provided for in this article, it shall be unlawful for any person to operate, conduct, maintain or otherwise engage in the furnishing of an emergency ambulance service or non-emergency ambulance service within the limits of the city.
- B. The provisions of subsection (a) of this section shall not apply to the following:
  1. The United States government and its agencies, the state, the county or the city.
  2. Persons who operate an ambulance service, including their ambulance vehicles and personnel, from a location or headquarters outside the limits of the city and who are transporting patients from a location outside the limits of the city to a location within the city, or through the city to some other location.

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3. Persons furnishing, at the city's request, a permitted emergency or non-emergency ambulance service.
  4. Non-emergency vehicles used to provide or make available, on a volunteer or nonprofit basis, transportation for routine non-emergency medical examination or treatment.
- C. The city may contract for the provision of sole provider of ambulance services for emergency medical services and/or non-emergency transport services. If a sole provider of ambulance services is granted, it shall be unlawful for any person, firm, or organization to provide ambulance service within the city or to provide point-to-point transport services to and from health-care facilities except as hereinabove provided in subsection (b), above.

### **Sec. 05.04.04. Operation of vehicles, response requirements.**

- A. *Operation of emergency ambulances.* The driver of an emergency ambulance, when responding to an authorized emergency call or transporting an emergency patient, shall comply with all applicable state laws and city ordinances pertaining to operation of emergency vehicles.
- B. *Use of emergency signals by transfer ambulances.* It shall be unlawful for any operator of a transfer ambulance to utilize audible and visual emergency signals, except where circumstances reasonably dictate that the transfer of a non-emergency patient has suddenly without warning become an emergency, in which situation such driver may exercise all of the privileges set forth in subsection (a) of this section.
- C. *Response requirements.* The holder of an emergency ambulance permit shall not deny timely emergency response, treatment or transportation to an appropriate medical facility to anyone in the city due to age, sex, race, religion, ethnicity, medical condition or the patient's actual or perceived ability or inability to pay for services rendered pursuant to the permit. In addition, the holder of an emergency ambulance permit shall make available to the city, upon the city's request, ambulances and personnel necessary for standby and assistance during emergencies occurring in the city.
- D. *Firearms prohibited on transfer ambulances.* Firearms are prohibited aboard all transfer ambulance vehicles, except when in the possession of a certified law enforcement officer who is not an employee of the permitted company and who may be required to accompany a patient to a medical facility.
- E. *Staffing of emergency ambulances.* Each permitted emergency ambulance vehicle shall be staffed on every call by at least two persons having EMT certification, one of whom shall be certified at the EMT-paramedic level.

### **Sec. 05.04.05. Special requirements for transfer ambulances.**

- A. *Staffing.* No transfer ambulance vehicle shall ever be operated upon the streets, highways or other public places of the city unless such vehicle is operated by at least two validly permitted ambulance attendants, one of whom must possess a current emergency care attendant certificate as required by the state, and the other attendant must be certified by the state as at least an EMT-basic.

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- B. *Identification on vehicles.* Transfer ambulance vehicles shall have lettering, six inches in height, attached to each side of the vehicle, indicating that the vehicle is in fact a transfer ambulance.
- C. *Posting of fee schedule.* All transfer ambulance vehicles shall have a current fee schedule conspicuously posted in the patient's compartment.
- D. *Applicability.* The requirements listed in this section are not applicable to permitted emergency ambulance vehicles.

### **Sec. 05.04.06. Insurance**

- A. Each holder of an ambulance service permit shall maintain in effect at all times a policy for (1) public liability, (2) property damage, (3) automobile liability insurance, and (4) professional liability insurance, identifying the city and its agents as additional insured parties, with a company authorized to do business in the state and approved by the city attorney, in amounts not less than \$500,000.00 on account of injury to or death of one or more persons, and \$100,000.00 for damage to or destruction of property. Each permittee shall furnish the permit officer a valid certificate of insurance showing compliance with this section and any such policy shall contain the usual non-cancellation clause except upon 30 days' advance written notice to the city.

### **Sec. 05.04.07. Reports, audits.**

- A. The holder of a transfer ambulance service permit shall submit to the Chief of Police, on such forms as may be prescribed for the purpose, a report setting forth the fact of the occurrence of either of the following events and fully setting forth all circumstances surrounding the event, such report to be submitted within 24 hours following the event:
  - 1. That a non-emergency transfer became an emergency situation suddenly and without warning.
  - 2. That a death occurred during the course of a non-emergency transfer.
  - 3. That a permitted vehicle became involved in a traffic accident.
- B. The holder of a non-emergency ambulance permit shall submit a response summary for all activities in the city to the city annually at the close of each permitted year. In addition, the permittee shall be subject to operational and medical audits conducted by the city.
- C. The holder of an emergency ambulance permit shall submit to the Chief of Police, on such forms as may be prescribed for the purpose, a copy of all response reports setting forth all circumstances surrounding the event and applicable patient information and pre-hospital care rendered.

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### **ARTICLE 05.05.00. FIRE HYDRANTS**

#### **Sec. 05.05.01. Obstructions**

- A. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near the Canal Draft Extension System (DES), in a manner that would prevent such fire hydrants from being immediately accessible. The Bayou Vista Volunteer Fire Department shall not be deterred from gaining immediate access to the DES.

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