

BILL ANALYSIS

C.S.H.B. 3813
By: Howard
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Reports indicate that in recent years there have been nearly a dozen wildfires in Travis County and tens of thousands of fires in Texas destroying thousands of homes and structures. Related reports also note that there are a number of fire hydrants in the state that do not meet the required minimum water pressures and flow rates. Interested parties have raised concerns regarding wildfire safety and prevention, including the ability of certain municipalities to enforce fire protection regulations. C.S.H.B. 3813 seeks to amend the law to address these concerns regarding wildfire prevention in certain urban areas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3813 amends the Local Government Code to authorize the governing body of a general law municipality that has a population of less than 4,000, that is located in a county that has a population of more than one million and is adjacent to a county with a population of more than 420,000, and that is served by a water control and improvement district to establish, by ordinance, water flow and water pressure standards sufficient to provide adequate pressure to fire suppression systems and to require, by ordinance, a water control and improvement district that provides water service in the municipality to comply with those standards. The bill specifies that its provisions control to the extent of a conflict with any other law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3813 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 342, Local Government Code, is amended by adding a new subsection (c) to read as follows:
Sec. 342.003. FIRE REGULATIONS. (a) The governing body of the municipality may:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 342, Local Government Code, is amended by adding Subchapter Z to read as follows:
SUBCHAPTER Z. MISCELLANEOUS PROVISIONS
Sec. 342.901. FIRE SUPPRESSION

STANDARDS IN CERTAIN MUNICIPALITIES.

- (1) prohibit dangerous chimneys, flues, fireplaces, stovepipes, ovens, and other apparatus used in or about any building, and require the apparatus to be removed or placed in a safe condition;
 - (2) prohibit the unsafe deposit of ashes;
 - (3) appoint officers who may enter any building or enclosure to examine and determine whether it is in a dangerous condition and, if the building or enclosure is in a dangerous condition, require that it be put in a safe condition;
 - (4) require the inhabitant of a building to maintain as many fire buckets and means of access to the roof as prescribed by the governing body, and regulate the use of those items in the event of a fire;
 - (5) require the owner or occupant of a building to maintain access to the roof and to stairs or ladders that lead to the roof;
 - (6) prohibit or otherwise regulate factories and other works that pose a danger of promoting or causing fires;
 - (7) prohibit or otherwise regulate the erection of cotton presses and sheds;
 - (8) prohibit or otherwise regulate the use of fireworks and firearms;
 - (9) prohibit, direct, or otherwise regulate the keeping and management of buildings within the municipality that are used to store gunpowder or other combustible, explosive, or dangerous materials, and regulate the keeping and conveying of those materials;
 - (10) regulate the building of parapet or party walls;
 - (11) authorize the mayor or other municipal officers, including the officers of fire companies, to keep away from the vicinity of any fire all idle, disorderly, or suspicious persons, and to arrest and confine those persons;
 - (12) compel municipal officers and all other persons to aid in extinguishing fires, preserving property exposed to the danger of fire, and preventing theft; and
 - (13) adopt other rules or ordinances for the prevention and extinguishment of fires as the governing body considers necessary.
- (b) Subsection (a)(8) or (9) does not authorize a municipality to adopt any prohibition or other regulation in violation of Section 229.001.
- (c) This subsection applies to a general law municipality with a population of less than

(a) This section applies to a general law municipality that:

4,000 located in a county with a population of more than 1 million that is adjacent to a county with a population of more than 450,000 and that is served by a district created under Chapter 51 of the Water Code.

The governing body of a municipality may by ordinance require a district created pursuant to Chapter 51, Water Code, that is located in the municipality to conform to fireflow and water pressure standards established by the ordinance.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(1) has a population of less than 4,000;
(2) is located in a county that:
(A) has a population of more than one million; and
(B) is adjacent to a county with a population of more than 420,000; and
(3) is served by a district governed by Chapter 51, Water Code.

(b) Notwithstanding any other law, the governing body of a municipality may by ordinance establish water flow and water pressure standards sufficient to provide adequate pressure to fire suppression systems and require a district described by Subsection (a)(3) that provides water service in the municipality to comply with those standards.
(c) To the extent of a conflict between this section and any other law, this section controls.

SECTION 2. Same as introduced version.