

By: Howard

H.B. No. 3813

A BILL TO BE ENTITLED

AN ACT

relating to wildfire prevention in certain urban areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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:

(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;

1 (7) prohibit or otherwise regulate the erection of cotton
2 presses and sheds;

3 (8) prohibit or otherwise regulate the use of fireworks and
4 firearms;

5 (9) prohibit, direct, or otherwise regulate the keeping and
6 management of buildings within the municipality that are used to
7 store gunpowder or other combustible, explosive, or dangerous
8 materials, and regulate the keeping and conveying of those
9 materials;

10 (10) regulate the building of parapet or party walls;

11 (11) authorize the mayor or other municipal officers,
12 including the officers of fire companies, to keep away from the
13 vicinity of any fire all idle, disorderly, or suspicious persons,
14 and to arrest and confine those persons;

15 (12) compel municipal officers and all other persons to aid
16 in extinguishing fires, preserving property exposed to the danger
17 of fire, and preventing theft; and

18 (13) adopt other rules or ordinances for the prevention and
19 extinguishment of fires as the governing body considers necessary.

20 (b) Subsection (a)(8) or (9) does not authorize a
21 municipality to adopt any prohibition or other regulation in
22 violation of Section 229.001.

23 (c) This subsection applies to a general law municipality
24 with a population of less than 4,000 located in a county with a
25 population of more than 1 million that is adjacent to a county with
26 a population of more than 450,000 and that is served by a district
27 created under Chapter 51 of the Water Code. The governing body of a

1 municipality may by ordinance require a district created pursuant
2 to Chapter 51, Water Code, that is located in the municipality to
3 conform to fireflow and water pressure standards established by the
4 ordinance.

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