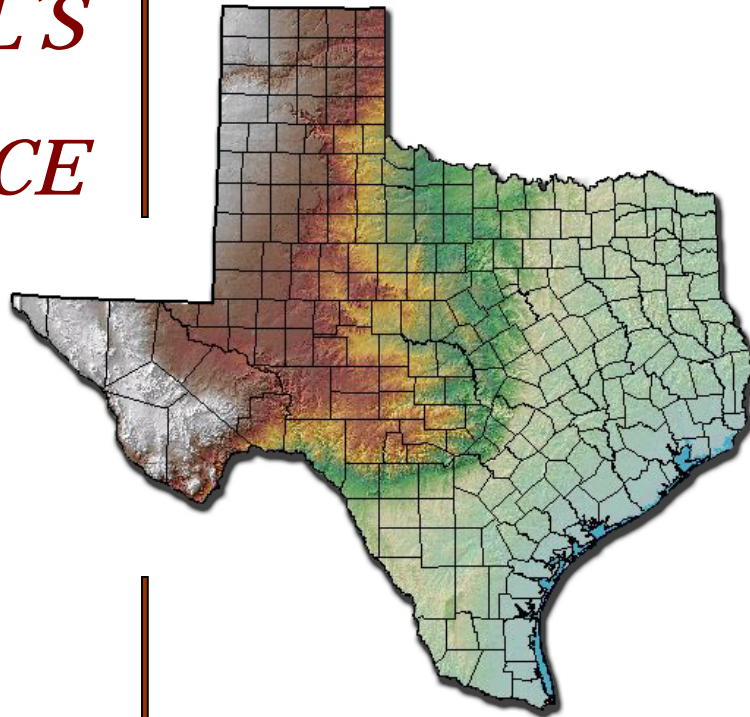


*STATE  
FIRE  
MARSHAL'S  
OFFICE*



***Fire Safety Evaluation***  
*Galveston County*

*Texas Department of Insurance  
Austin, Texas  
May 2005*

# *Executive Summary*

The State Fire Marshal's Office conducted this Fire Protection Safety Evaluation in support of Galveston County fire safety and prevention activities. The evaluation is intended to promote the importance of effective fire safety program planning, implementation and assessment. These efforts must be sustained by a progressive, planned maintenance, optimizing the initial investment for those critical improvements.

Based on the SFMO's fire safety evaluation of Galveston County, the following observations are noted. These observations indicate factors that could adversely impact the citizens of Galveston County.

- The County of Galveston does not have a nationally recognized fire code for enforcement in unincorporated areas.
- Galveston County does not have an appointed Fire Marshal position, which could be fully empowered as provided by law. Section 352.011 et. seq., Local Government Code, provides for the appointment and enforcement responsibilities of the County Fire Marshal. These fire protection duties include fire safety inspections, fire investigations, and enforcement of state law and rules.

Based on these observations, Galveston County should adopt a nationally recognized fire code for enforcement in unincorporated areas. Additionally, Galveston County should adopt one of the following enforcement options, or a combination thereof, to enhance fire safety.

- **County Fire Marshal:** Establish a County Fire Marshal Office with a person selected as the County Fire Marshal having the responsibility to conduct fire safety inspections and fire investigations.
- **Contract with local municipalities:** Contract with local municipalities to conduct fire safety inspections and investigations in rural unincorporated areas.
- **County building official:** Provide fire safety enforcement training to an existing county building official to conduct fire safety inspections in rural unincorporated areas.
- **State Fire Marshal's Office:** Contract the State Fire Marshal's Office to conduct fire safety inspections and fire investigations.

The State Fire Marshal's Office is committed to the success of these efforts. We believe that, working together, all Texans can benefit from cooperative fire safety and prevention programs.

# *Acknowledgements*

The Honorable James Yarborough, Galveston County Judge



The Honorable Mike Jackson, Texas Senate  
The Honorable Greg Eiland, Texas House of Representatives



Galveston County Firefighter's Association  
Mr. C.T. Tommy Anderson, Fire Chief, City of Santa Fe  
Mr. David Burks, Service Center Superintendent, City of La Marque  
Mr. Terry Byrd, Fire Marshal, City of Friendswood  
Mr. R.W. Bill Kerber, City Administrator, City of Kemah  
Mr. Keith Kiplinger, Fire Marshal, City of Dickinson  
Mr. Jasper Liggio, Fire Chief, City of Dickinson  
Mr. Brian Mansfield, Assistant Fire Marshal, City of Friendswood  
Ms. Susie Merrit Martin, Fire Investigator, City of Jamaica Beach  
Mr. Richie Pearson, Deputy Fire Chief, City of Santa Fe  
Mr. Gilbert Robinson, Fire Marshal, City of Galveston  
Mr. Oseeg Sowell, Executive Officer, Texas City Fire Department  
Mr. Charles Tuttoilmondo, Fire Marshal, City of Santa Fe



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# TEXAS DEPARTMENT OF INSURANCE STATE FIRE MARSHAL'S OFFICE AUSTIN, TEXAS

## Galveston County Fire Safety Evaluation

### Introduction

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In late 2003, the State Fire Marshal's Office received requests from the Galveston County Sheriff's Office, State Senator Mike Jackson, and State Representative Craig Eiland to conduct fire safety inspections of several bars and motels in rural Galveston County. These inspections did not include clubs and motels within governmental jurisdictions having local fire safety enforcement. The bars included in this inspection project derived 51% or more of their income from the sale of alcohol. This evaluation did not reflect fire and life safety issues at other establishments serving and/or selling alcohol. During these inspections numerous Life Safety Code deficiencies were identified, including critical issues relating to means of egress, protection, building services, etc. The following is a condensation of these findings, reflecting serious threats to life and property.

#### Means of Egress

- Insufficient exiting capacity
- Egress doors swinging against the direction of exit travel
- Inappropriate locking and/or latching devices
- Locked and/or blocked egress

#### Protection

- inappropriate interior fire-retardant finish
- Lack of required protection for cooking equipment
- Lack of servicing for fire protection devices/features
- Presence of propane tanks inside structures

#### Building Services

- Inappropriate use of extension cords
- Electrical fuses bypassed
- Exposed, energized conductors
- Non-compliance with the National Electrical Code

Following the inspection of these nightclubs and motels, the SFMO received a request from County Judge James Yarborough and the Galveston County Commissioner's Court to conduct a comprehensive fire protection evaluation of the county. The purpose of the evaluation was to determine the need for, and feasibility of, creation of a county fire marshal position or other possible arrangement to conduct fire inspections/investigations in rural areas lacking those services.

This comprehensive evaluation:

- Looks into the aspects of that request;
- Identifies areas that lack specific fire inspection/investigation services;
- Provides city profiles regarding available fire safety services;
- Describes the county's fire protection capacity; and
- Makes recommendations relating to possible fire safety solutions.

## **Authority**

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The Texas Government Code provides the statutory authority for the State Fire Marshal's Office. Provisions of Chapter 417 form the basis for this fire safety evaluation. These are:

### ***Chapter 417.004 - General Powers and Duties***

§417.004(c) - The state fire marshal may make or encourage studies of fire protection, including fire administration.

§417.004(d) - The state fire marshal may conduct research to improve fire protection and fire administration and may stimulate research by public and private entities for that purpose.

§417.004(e) - The state fire marshal may, on the request of a public or nonprofit entity with duties related to fire protection, advise or assist the entity in relation to those duties.

A copy of Chapter 417, Texas Government Code, is located in the Appendix.

## **Fire Safety Evaluation Methodology**

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A State Fire Marshal's Office evaluation team assessed the status of fire safety activities, including inspections, investigations, at-risk structures, unincorporated areas, and other resources and concerns in Galveston County. This evaluation was conducted utilizing interviews with stakeholders, records of the Galveston Central Appraisal District, county information from the Insurance Services Office,

and reports and statistics from a variety of sources detailing the resources of Galveston County and local fire departments.

## **Evaluation Observations**

---

Based on the SFMO's fire safety evaluation of Galveston County, the following observations are noted. These observations indicate factors that could adversely impact the citizens of Galveston County.

- The County of Galveston does not have a nationally recognized fire code for enforcement in unincorporated areas.
- Galveston County does not have an appointed Fire Marshal position, which could be fully empowered as provided by law. Section 352.011 et. seq., Local Government Code, provides for the appointment and enforcement responsibilities of the County Fire Marshal. These fire protection duties include fire safety inspections, fire investigations, and enforcement of state law and rules.

While outside the focus of this evaluation, the presence of a substantial number of oil refineries, chemical plants, shipping and rail operations that produce or carry potentially hazardous materials, combined with recent fatal explosions and fires within these facilities, is of significant concern from a fire safety perspective. The high concentration of these facilities points to the need for all political entities within Galveston County to continue their focus on fire safety issues related to these sites.

## **Recommendations**

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Galveston County should adopt a nationally recognized fire code for enforcement in unincorporated areas. Additionally, Galveston County should adopt one of the following enforcement options, or a combination thereof, to enhance fire safety. The entire text of Section 352, Local Government Code, is included in the Appendix. This statute covers duties of the County Fire Marshal as well as the fire protection of county residents.

- **County Fire Marshal:** Establish a County Fire Marshal Office with a person selected as the County Fire Marshal having the responsibility to conduct fire safety inspections and fire investigations.
- **Contract with local municipalities:** Contract with local municipalities to conduct fire safety inspections and investigations in rural unincorporated areas. Those contracted consultations should include the enforcement of the county's adopted nationally recognized fire

code as a regulatory and enforcement tool. If contracted out to local jurisdictions, close coordination of services will be imperative to ensure consistency. Municipal fire marshals may not be familiar with the county's adopted code, if different. Training may be required to familiarize contracted inspectors with the county's new code.

- **County building official:** Provide fire safety enforcement training to an existing county building official to conduct fire safety inspections in rural unincorporated areas.
- **State Fire Marshal's Office:** Contract the State Fire Marshal's Office to conduct fire safety inspections and fire investigations.

Note: Outsourcing services on a contractual basis, or by memorandum of understanding, may or may not include a financial consideration.

## **Fire Inspections and Adopted Codes**

Galveston County has several incorporated cities that have adopted nationally recognized building or fire codes. These codes are enforced by city fire marshals or city building officials. There are specific areas of Galveston County that do not have any fire inspection services. Those areas include San Leon, Bacliff, Bolivar Peninsula, and the unincorporated area of Santa Fe.

The Galveston County Building Official provides inspection services, only in unincorporated areas, regarding Floodplain Management under the Federal Emergency Management Agency (FEMA) guidelines. These measures include building requirements under the floodplain regulations.

The following table (Source: SFMO evaluation instruments, 2003) lists the adopted codes in use in different cities of Galveston County. In un-incorporated areas of the county, there are no adopted codes that provide the necessary building and life safety requirements for buildings.



## Galveston County Fire Protection Evaluation: Adopted Codes

CITY	Adopted Code	Edition	Enforcement
<b>Bacliff</b>	None		
<b>Bayou Vista</b>	Southern Standard Building Code	1997	Building Official
	International Fire Code	2000	Building Official
	National Electric Code	2000	Building Official
<b>Clear Lake Shores</b>	Unknown		
<b>Crystal Beach</b>	None		
<b>Dickinson</b>	Southern Standard Building Code	1994	Dickinson Fire Department
	National Electric Code	2002	Dickinson Building Official
	International Residential Code	2000	Dickinson Building Official
	Southern Building Code	1994	Dickinson Building Official
<b>Friendswood</b>	International Building Code	2000	Fire Marshal/Building Official
	National Electric Code	2000	Fire Marshal/Building Official
	Life Safety Code	2000	Fire Marshal/Building Official
<b>Galveston</b>	International Building Code	2003	Galveston Fire Department
	International Fire Code	2000	Galveston Building Official
	Life Safety Code	2000	Galveston Building Official
<b>Gilchrist</b>	None		
<b>High Island</b>	None		
<b>Hitchcock</b>	International Building Code	2003	Fire Marshal/Building Official
<b>Jamaica Beach</b>	International Fire Code	2000	Fire Marshal
	Life Safety Code	2000	Fire Marshal
	Southern Standard Building Code		Fire Marshal
<b>Kemah</b>	Unknown		
<b>La Marque</b>	International Building Code	2003	La Marque Fire Inspectors
	National Electric Code	2002	La Marque Building Official
<b>League City</b>	International Building Code	2000	Fire Marshal/Building Inspector
	Life Safety Code	2003	Fire Marshal
<b>Port Bolivar</b>	None		
<b>San Leon</b>	Checklist provided by Licensing Agency		Fire Chief
<b>Santa Fe</b>	International Building Code	2003	City Fire Inspector
	International Residential Code	2003	City Building Official
	National Electric Code	2002	City Building Official
<b>Santa Fe</b> (unincorporated)	None		
<b>Texas City</b>	Life Safety Code	2003	Fire Marshal
<b>Village of Tiki Island</b>	National Electric Code	Unknown	Building Official
	Southern Standard Building Code	Unknown	Building Official

## **Fire/Arson Investigations**

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Many of the Galveston County area fire departments are members of the Galveston County Firefighters Association and, as such, automatically participate in an agreement that provides mutual aid to other members. This includes relying upon each other to provide an experienced firefighter or investigator to respond to a fire scene and assess the need for further investigation into the cause of the fire. This procedure is not unlike that of some larger cities wherein the responding district chief or fire captain assesses the scene before calling out the certified fire investigator on duty. The larger cities in the county have trained fire investigators that respond to each fire incident. The City of Galveston has had some successes over the past few years that resulted in cleared cases by arrest of suspected arsonists.

Many of the Galveston County fire departments rely upon the resources of the Galveston County Sheriff's Office to provide an experienced certified fire investigator to conduct a thorough examination of the scene and, if needed, a complete criminal investigation. The Galveston County Sheriff's Office employs certified fire investigators that will respond upon request. These deputies involved in that program are required to juggle patrol and other assigned duties with any fire investigation and rely upon other deputies to assist in obtaining investigative information. The Galveston County Sheriff's Office conducts fire investigations for cause and origin in approximately 50% of the county. They respond automatically to the unincorporated areas of the county to include Bacliff, San Leon, Kemah, Santa Fe, Hitchcock, Isle Vista, Port Bolivar, Crystal Beach, Gilchrist, and High Island. The Sheriff's Office responds to 50-60 fires per year with 30-40 being structure fires and the remainder being vehicle fires. One arson case has been filed within the past two years related to fire investigations.

Some city police departments investigate suspicious fires. These police departments do not utilize certified fire investigators for this purpose. Occasionally, departments will call for assistance from the State Fire Marshal's Office. These incidents usually involve loss of life or substantial property loss.

## **Galveston County PPC Ratings**

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The Texas Insurance Services Office (ISO) maintains Public Protection Classification (PPC) ratings for every city and town in the state on a scale from 10 to 1. ISO is an independent statistical, rating, and advisory organization that serves the property/casualty insurance industry. The best score is "one," while a score of "10" means the city has minimal fire protection. The PPC system is the nationwide classification system used by the ISO to reflect a community's local fire protection for property insurance rating purposes. The public fire protection of

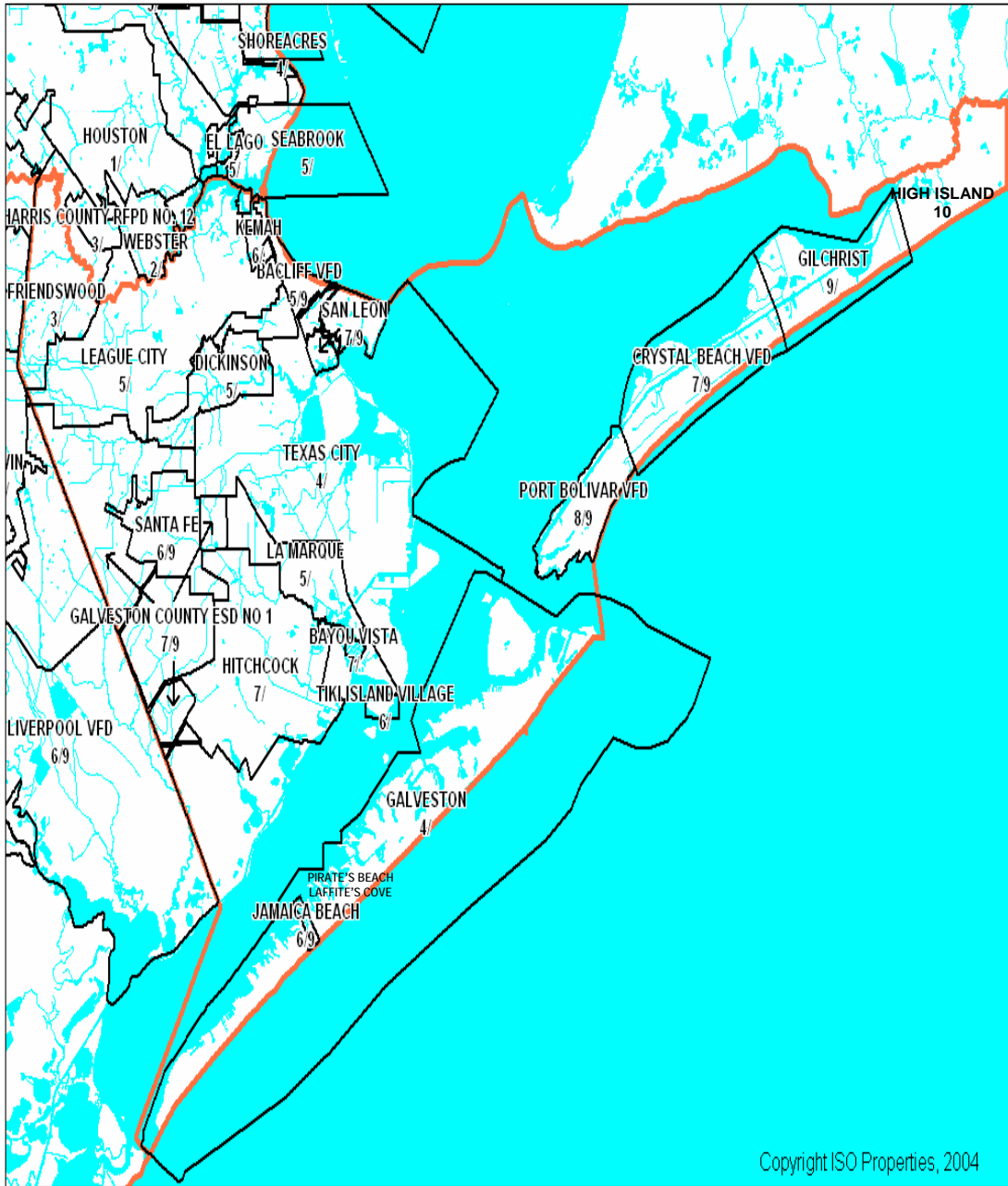
a city, town or area is graded using ISO's Fire Suppression Rating Schedule to develop the community's classification.

In this rating system, cities receiving a low number are in better condition than those receiving a high number. Rural cities and towns with no fire departments are automatically assessed a value of "10." In some instances, ISO may issue a dual PPC such as "7/9." The cities of Bacliff, Jamaica Beach, Santa Fe, and San Leon all received dual PPCs. The first number is the PPC for buildings within 1,000 feet of a fire hydrant and five road miles of a recognized fire department. The second number is for buildings more than 1,000 feet from a fire hydrant but within five road miles of a recognized fire department.

The following table (Source: Insurance Services Office, 2003) illustrates the PPC Ratings for areas inside Galveston County.

<b>City</b>	<b>PPC Rating</b>
<b>Bacliff</b>	<b>5/9</b>
<b>Bayou Vista</b>	<b>7</b>
<b>Clear Lake Shores</b>	<b>6</b>
<b>Crystal Beach</b>	<b>7/9</b>
<b>Dickinson</b>	<b>5</b>
<b>Friendswood</b>	<b>3</b>
<b>Galveston</b>	<b>4</b>
<b>Gilchrist</b>	<b>9</b>
<b>High Island</b>	<b>10</b>
<b>Hitchcock</b>	<b>7</b>
<b>Jamaica Beach</b>	<b>6/9</b>
<b>Kemah</b>	<b>6</b>
<b>La Marque</b>	<b>5</b>
<b>League City</b>	<b>5</b>
<b>Port Bolivar</b>	<b>8/9</b>
<b>San Leon</b>	<b>7/9</b>
<b>Santa Fe</b>	<b>6/9</b>
<b>Texas City</b>	<b>4</b>
<b>Village of Tiki Island</b>	<b>6</b>

The following map (Source: the Insurance Services Office, 2004, used with permission) depicts the PPC ratings for cities/towns in Galveston County.



## **Galveston County Fire Safety Profiles**

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The following fire safety profiles were taken from observations and available data in populated areas of the county.

### **Galveston County**

Galveston County has a population of 250,158 and is located on the Gulf Coast of Texas. The county comprises mainland areas, Galveston Bay, and Galveston Island. Galveston Island measures three miles wide and twenty-eight miles at its greatest length. Other barrier islands include Pelican Island and the Bolivar Peninsula.

Bolivar Peninsula is a small strip of mainland northeast of Galveston Island and almost in line with it. Both Bolivar Peninsula and Galveston Island constitute nearly half of Galveston County's almost 450-square-mile area. Transportation between Galveston Island and Bolivar Peninsula is by ferry, or by lengthy overland routes through Harris and Chambers Counties.

The City of Galveston is the county seat. Other towns in the county include Texas City, Port Bolivar, Clear Lake Shores, Crystal Beach, Jamaica Beach, Kemah, Hitchcock, Dickinson, League City, La Marque, and Friendswood.

The mainland coastline is made up of small bays, inlets, and marshes. Major streams in Galveston County include Clear Creek, which forms the boundary between Galveston and Harris counties and flows into Clear Lake; Dickinson Bayou, which draws into Galveston Bay; and Highland Bayou, which empties into Jones Bay and drains the western part of the county. The county has approximately 400 miles of beach.

According to the Galveston Central Appraisal District, there are many properties in Galveston County that are located in un-incorporated areas, consisting of commercial, industrial, and residential buildings. These properties are located in the un-incorporated areas of Bacliff, High Island, Santa Fe, and San Leon and do not appear to be provided any fire safety inspection services. The commercial and industrial portion accounts for approximately 774 properties, while residential properties account for 9,719 properties. Approximately 24 are licensed child care or foster home facilities.

### ***Pelican Island***

Pelican Island is a small island north of Galveston Harbor. The island is directly north of the Galveston Harbor docks and provides protection for the harbor from the open Galveston Bay. It encompasses a few small industrial complexes and housing for Texas A&M University Medical Branch. The Texas A&M University Marine Campus; Bludworth Shipbuilding and Repair, and Seawolf Park are

located on Pelican Island. Seawolf Park has a submarine, jet plane and destroyer. Access to Pelican Island from Galveston Island is via a highway bridge.

### ***Bolivar Peninsula***

Bolivar Peninsula is a narrow strip of land spanning twenty-seven miles along the Texas Gulf Coast in a northeasterly direction to form eastern Galveston County. The Peninsula, at its widest, is approximately three miles wide between Crystal Beach and Caplen. At its narrowest point, the peninsula's width does not exceed a quarter of a mile where Rollover Pass divides the community of Gilchrist. The distance between the



peninsula and Galveston Island does not exceed three miles. The Intracoastal Waterway, which extends the length of the peninsula on the north side, forms a water passageway that serves as the entrance from the Gulf of Mexico to Galveston Bay. The Bolivar portion of the waterway belongs to the Galveston District and is maintained by the United States Army Corps of Engineers. Bolivar Peninsula is accessible by land from the Chambers County. In addition to Crystal Beach, the communities of Caplen, Gilchrist, Port Bolivar, and High Island occupy the peninsula. The independent school districts serving the peninsula include Galveston and High Island ISDs.

### ***Galveston Island State Park***

The state park is located in the City of Galveston on the west end of Galveston Island. It is a 2,013 acre site that was acquired in 1969 from private owners under the State Parks Bond Program and was opened in 1975.

Galveston Island State Park consists of 10 enclosed shelters, and 65 covered picnic areas. There is a large outdoor amphitheatre area and one low-hazard industrial building used for storage, work on vehicles and grounds keeping.

## ***The University of Texas Medical Branch at Galveston (UTMB)***



The University of Texas Medical Branch in Galveston conducts health science education, patient care, and research. This facility is located on approximately 84 acres on the east end of Galveston Island and the City of Galveston in the southeast portion of Galveston County. The main teachings at this campus include medical, research, and physical therapy.

The Medical Branch includes four schools: The School of Biomedical Sciences, School of Nursing, School of Allied Health Sciences, and the Medical School. The population of UTMB totals 11,000 students, faculty, and staff. Students account for approximately 2,050 of the population. UTMB operates four dormitories and four fraternity houses accommodating 265 students. Additionally, they operate four apartment buildings, 140 units, and six rental units. Approximately 50% of these units are occupied by students. The remaining 50% are occupied by non-student employees.

Approximately 70 students occupy two fraternity houses that are not owned or operated by the University. There are 37 buildings located on the campus that have full sprinkler systems, while 18 buildings are partially sprinklered. Twenty-nine of these buildings have additional suppression systems which protect kitchen areas, rare book rooms, and computer rooms. Sixty-three of these buildings have fire alarm systems. This facility has one high-occupancy assembly building and one building used for the hazardous storage of flammable liquids.

UTMB has a “Duty Fire Marshal Program” for university fire safety. This program employs three Galveston Fire Department firefighters who work normal M-F, 8-5pm shifts.

UTMB Fire Marshal duties include:

- Reviewing requests for fire alarm, sprinkler, or suppression system shut downs;
- Reviewing hot work permits and inspecting areas where hot work permits are active;
- Inspecting areas of the campus where renovation and construction activities are in progress for life safety issues;

- Performing life safety code inspections and consultations on campus facilities; and
- Responding to fire alarms and assisting with conducting and evaluating fire drills, and working closely with the Galveston Fire Department.

The University of Texas Medical Branch at Galveston conducts all fire safety inspections under the 2000 Edition of the International Building Code and the 2003 Edition of the NFPA Life Safety Code 101. All building inspections are conducted annually, utilizing a checklist.

### ***Galveston County Schools***

Galveston County is divided into nine school districts. They include the Independent School Districts of Dickinson, Galveston, Friendswood, Santa Fe, Texas City, Clear Lake, High Island, Hitchcock, and La Marque. Galveston County Juvenile Justice Alternative Education Programs are conducted in County buildings/facilities. Model code groups have defined educational occupancies as places where students are present for instruction for more than 12 hours per week or more than four hours per day through the 12<sup>th</sup> grade.

Regulations concerning educational occupancies are generally based on the capabilities of younger children with older children receiving a higher degree of safety than most likely needed. Therefore, the goal is to provide sufficient exits and egress paths so that the occupants can be led to an area of safety. Accommodating physically and mentally handicapped students in the general school population is a relatively new trend in the design of educational occupancies. Special consideration must be given to access for and egress of these students by providing facilities such as elevators, horizontal exits, and sprinkler systems.

The student population in Galveston is approximately 70,329; many students are located in the unincorporated areas of Santa Fe, Bacliff, San Leon, and the Bolivar Peninsula. The majority of schools located throughout the county are equipped with fire protection features including fire alarm systems containing manual pull stations, emergency lighting and extinguishers. Fire drills are conducted regularly. Fire protection in schools located in rural unincorporated areas may need updating as they do not have routine fire inspections performed by a building or fire inspector utilizing a nationally recognized standard.



The following table (Source: Texas Education Agency, 2004) shows districts and schools, with their respective enrollments, within Galveston County. Note that some schools reported "0" students.

School Name	School Location	Grade Range	School Enrollment
<b>DICKINSON ISD (6,539 Students)</b>			
Dickinson H S	Dickinson	9-12	1582
R D McAdams J H	Dickinson	7-8	986
Dunbar Middle	Dickinson	6	494
John E Barber Middle	Dickinson	5	0
Kenneth E Little EI	Bacliff	PK-4	995
Jake Silbernagel EI	Dickinson	PK-4	683
Hughes Road EI	Dickinson	PK-4	718
Bay Colony Elementary School	Dickinson	PK-4	1054
About Face	Dickinson	PK-12	8
Galveston Co Detention Ctr	Dickinson	PK-12	16
Galveston Co J J A E P	Dickinson	PK-12	3
<b>GALVESTON ISD (9,170 Students)</b>			
Ball H S	Galveston	9-12	2535
Austin Middle	Galveston	7-8	528
Central Middle	Galveston	6-8	706
Weis Middle	Galveston	6-8	771
Alamo EI	Galveston	EE-8	452
Bolivar EI	Port Bolivar	KG-8	183
Burnet EI	Galveston	EE-5	617
Morgan Elementary Magnet School	Galveston	PK-6	506
Charles B Scott EI	Galveston	EE-5	621
Oppe EI	Galveston	EE-5	660
Parker EI	Galveston	EE-5	646
Rosenberg EI	Galveston	EE-6	394
San Jacinto EI	Galveston	PK-6	464
Special Ctrs	Galveston	EE-12	24
Galveston Co J J A E P	Galveston	1-12	9
Galveston Catholic	Galveston	EE-8	0
O'Connell H S	Galveston	9-12	0
Satori		1-6	0
Trinity Episcopal	Galveston	KG-8	0
Heritage Christian Academy	Galveston	KG-12	0
Galveston Academy		6-12	42
Student Alter Instr Lrn School(Sails)	Galveston	KG-5	12
<b>HIGH ISLAND ISD (267 Students)</b>			
High Island H S	High Island	9-12	121
High Island Middle	High Island	6-8	63
High Island EI	High Island	EE-5	83

**LA MARQUE ISD (3,750 Students)**

La Marque H S	La Marque	9-12	1140
La Marque Middle	La Marque	6-8	829
Highlands EI	La Marque	1-5	305
Inter City EI	La Marque	1-5	365
Simms EI	Texas City	1-5	321
Westlawn EI	La Marque	1-5	371
Early Childhood	La Marque	EE-KG	416
Galveston Co J J A E P	La Marque	6-12	3

**TEXAS CITY ISD (5,804 Students)**

Texas City H S	Texas City	9-12	1506
Blocker Middle	Texas City	7-8	953
Fry Intermediate	Texas City	5-6	958
Heights EI	Texas City	EE-4	739
Kohfeldt EI	Texas City	KG-4	427
Northside EI	Texas City	KG-4	668
Roosevelt-Wilson EI	Texas City	KG-4	528
Texas City J J A E P	Texas City	5-12	4
Woodrow Wilson Daep	Texas City	1-12	21

**HITCHCOCK ISD (1,193 Students)**

Hitchcock H S	Hitchcock	9-12	339
Crosby Middle	Hitchcock	6-8	290
Stewart EI	Hitchcock	PK-5	561
Hitchcock Headstart	Hitchcock	EE	0
Kids First Head Start Texas City Satellite		PK	0
Galveston Co J J A E P	Hitchcock	6-12	3
A E C	Hitchcock	6-12	0

**SANTA FE ISD (4,475 Students)**

Santa Fe H S	Santa Fe	9-12	1322
Santa Fe J H	Santa Fe	7-8	775
Santa Fe Int	Santa Fe	5-6	679
Santa Fe Elementary South	Santa Fe	4	335
Roy J Wollam EI	Santa Fe	EE-1	747
Santa Fe Elementary North	Santa Fe	2-3	612
Galveston Co J J A E P	Santa Fe	5-12	5

**CLEAR CREEK ISD(32,810 Students)**

Clear Creek H S	League City	9-12	3298
Clear Lake H S	Houston	9-12	3474
Clear Brook H S	Friendswood	9-12	2655
Webster Int	Webster	6-8	791
Seabrook Int	Seabrook	6-8	998
Clear Lake Int	Houston	6-8	1062
Space Center Int	Houston	6-8	1243
League City Int	League City	6-8	1145

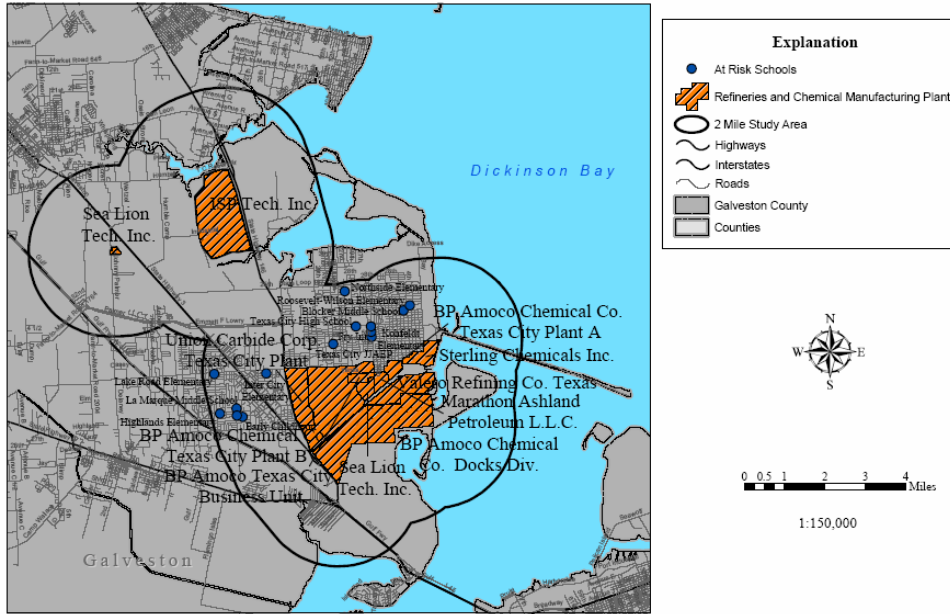
Creekside Int	League City	6-8	707
Brookside Int	Friendswood	6-8	1221
Victory Lakes Intermediate	League City	6-8	631
Clear Lake City EI	Houston	EE-5	529
Ed H White EI	Seabrook	EE-5	593
League City EI	League City	EE-5	536
James H Ross EI	League City	EE-5	614
Bay EI	Seabrook	EE-5	938
Lavace Stewart EI	Kemah	EE-5	559
Margaret S McWhirter EI	Webster	EE-5	584
G H Whitcomb EI	Houston	EE-5	758
P H Greene EI	Webster	EE-5	687
Armand Bayou EI	Houston	EE-5	574
C D Landolt EI	Friendswood	EE-5	670
Walter Hall EI	League City	EE-5	829
John F Ward EI	Houston	EE-5	763
Lloyd R Ferguson EI	League City	EE-5	863
Brookwood EI	Houston	EE-5	929
Wedgewood EI	Friendswood	EE-6	863
I W And Eleanor Hyde EI	League City	EE-5	683
North Pointe EI	Houston	EE-5	923
Art And Pat Goforth Elementary School		PK-5	566
Henry Bauerschlag Elementary School		KG-5	557
Falcon Pass EI		PK-5	908
Arlyne & Alan Weber Elementary	Houston	KG-5	464
Clear View Alter	League City	6-12	181
Clear Path Alternative School	League City	6-12	0
Galveston Co Jjaep	Dickinson	6-12	5
Harris Co Jjaep	League City	6-12	9
Devereux A E P	League City	6-12	0

**FRIENDSWOOD ISD (5527 Students)**

Friendswood H S	Friendswood	9-12	1760
Friendswood J H	Friendswood	7-8	918
Westwood EI	Friendswood	PK-3	789
C W Cline Elementary	Friendswood	PK-3	740
Zue S Bales Int	Friendswood	4-6	649
Windsong Intermediate	Friendswood	4-6	671

The following map (Source: U.S. Environmental Protection Agency, 2003) depicts at-risk schools proximate to the high concentration of oil, gas and chemical companies located within Galveston County.

Detail of Galveston County



## Bacliff

Bacliff is an unincorporated community, located on Farm Road 646 and Galveston Bay, northwest of Galveston in north central Galveston County. By 1986 Bacliff had become a residential community for workers who commuted to jobs throughout the area with a population of 4,851 and nineteen businesses. In 1990 the community had six churches, a school, twenty-seven businesses, and a population of 5,549. Today, Bacliff's population has reached 6,962.



### *Fire Department Operations*

Bacliff Volunteer Fire Department lies within the unincorporated area of Bacliff. This department does not have a fire marshal's office. The fire department has eight volunteer firefighters. There are no certified fire inspectors or fire investigators conducting fire related services for the city of Bacliff. Because Bacliff is unincorporated, the town does not have a city building official, nor does it have any adopted codes. Complaints regarding fire safety inspections are routed to the Sheriff's Department. The Department then sends the complaints to the Fire Chief who conducts the inspections on licensed facilities within the department's jurisdiction utilizing a checklist. There is no enforcement for the non-compliance of noted fire safety violations. Fire inspections are conducted annually along with re-inspections. Fire investigations are completed by the Galveston County Sheriff's Department.

### **Bayou Vista**

Bayou Vista is an incorporated city located off Interstate 45 and State Highway 6 near Jones Bay and Highland Bayou approximately five miles south of Texas City in Galveston County. The community consists of waterfront houses along canals that provide access to Galveston Bay and the Gulf. The city has a mayor and city council, police department, and volunteer fire department. Bayou Vista has one church and one public building.



### *Fire Department Operations*

The fire department is located adjacent to the city offices. This department does not have a fire marshal's office. There are no certified fire inspectors or fire investigators conducting fire related services for the city of Bayou Vista. The city is in the process of certifying a person for a fire marshal position. The city currently has a building official whose main duties consist of inspections related to building, plumbing, electrical, gas, HVAC, energy and city ordinances. Bayou Vista has adopted various editions of the Southern Standard Building Code and the 2000 National Electric Code. The building official is certified under the Standard Southern Building Code Congress. The building official does not charge for inspections, however, there is a permit fee required on all occupancies.

Enforcement action for non-compliance with the inspection related issues is handled through the Bayou Vista Police Department. Routine fire inspections are not conducted. Rather, inspections are conducted on a complaint basis with re-

inspections for compliance. Inspection checklists are not utilized. A fire safety prevention program is in place. The Bayou Vista Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement and the Village of Tiki Island.

## **Crystal Beach**

Crystal Beach, an unincorporated community, extends seven miles along State Highway 87 in the Bolivar Peninsula in Galveston County. After railroad operations ceased in 1941, the name of the community was changed from Patton Beach to Crystal Beach. The town was incorporated in 1971. Four efforts to unincorporate were made in the mid-1980s, and a vote to unincorporate was successful in 1987. Later, supporters of incorporation and those of unincorporation alternated with successful campaigns for votes and battles in court. Crystal Beach was the largest community on the peninsula in population and land mass. It is estimated that the majority of Crystal Beach property owners were "weekenders," so the summer, weekend, and holiday population is expanded. Crystal Beach has one Head Start facility, one medical office for routine medical services, one oil and gas processing center, 500 short term residential units, two motels and two bed & breakfast facilities, 55 public buildings (restaurants/bars), one county annex building, and six churches.

### *Fire Department Operations*

This department does not have a fire marshal, building official or any nationally recognized standards for the purposes of enforcing fire safety violations. The fire department provides limited service for firefighting operations due to the isolation of the island. Because of the unavailability of a fire marshal, inspections are conducted by the Galveston County Building Inspector. These floodplain management inspections are conducted on new construction only.

The Crystal Beach Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement. Crystal Beach does have an abatement process through the Galveston County processes. Partial funding for the volunteer fire department is accomplished through donation cards sent out to approximately 110 businesses in the Crystal Beach area.

Fire investigations in the city of Crystal Beach are conducted by the Galveston County Sheriff's Office. Of the volunteer fire department's 600-700 total calls, only five were for working structure fires and one was a mutual aid response to High Island for a fire involving a fatality. Three of these fires were determined to be suspicious and were referred to the Galveston County Sheriff's Office. There is no formal training in origin and cause recognition for first responders.

## **Dickinson**

Dickinson, an incorporated community, is on State Highway 3 at the edge of the Galveston metropolitan area in the northwest corner of Galveston County. Today's population is 17,093. Dickinson is an agricultural service center, a residential community, and the site of a mineral-oil processor. The city of Dickinson has eight public schools, 20 apartment complexes of multiple stories, 30 churches, two hotels, and one detention facility in the city jail that is fully sprinklered. There is an industrial sulfate refinery located in the city limits of Dickinson.

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal with investigators and inspectors responsible for multiple areas. They include fire inspections, fire investigations, and prevention. Certifications held by the fire marshal and deputies include: Texas Commission on Fire Protection (TCFP) Inspector and Investigator certificates, as well as peace officer certifications from Texas Commission on Law Enforcement Standards and Education (TCLEOSE) Dickinson conducts routine fire inspections.

Dickinson employs building officials who are responsible for multiple disciplines. They include plumbing, gas, electrical, mechanical, and building inspections. All inspections are conducted under the 1994 edition of the Southern Standard Building Code and the 2002 National Electric Code. Through the process of building code enforcement and fire inspections, there is an abatement program for dangerous conditions. Inspections are conducted by the fire marshal's office annually and quarterly.

Bar, church, and school inspections are conducted quarterly. Complaint-generated inspections are conducted with follow-up re-inspections. Fire department personnel conduct fire-fighting preplanning inspections for the purposes of fire suppression attack and safety. If violations are discovered, the fire marshal's office will conduct a re-inspection. First time violations receive a non-compliance monetary penalty of \$250.00. If the fire marshal's office notes the violation a second time, a judge may assess a fine up to \$2000.00.

The fire marshal's office conducts a fire safety inspection immediately upon complaint. Non-compliant inspections result in a citation. Fire safety inspections are handled within the city limits, while assistance is given outside the city limits for some inspections and investigation purposes. Dickinson Fire Department provides county-wide mutual assistance for all firefighting operations under the Galveston County Mutual Aid Agreement and provides inspections to Clear Lake Shores under a City of Clear Lake Written Agreement. They also have written agreements with Harris County, Pasadena, and Galveston County.

Fire investigation services are provided by the Dickinson Fire Marshal's Office. This office responds to each fire to determine cause and origin. If there is a fatality or suspicious fire, the sheriff's office is notified. The fire marshal's office has one full-time and two part-time certified fire investigators. The fire marshal's office has only made one referral to the District Attorney's Office in the past four years. All vehicle fires are investigated by the Galveston County Sheriff's Office Auto Crimes Task Force.

## **Friendswood**

Friendswood is an incorporated community on Farm Road 518 in northwestern Galveston and southern Harris counties. The city of Friendswood has approximately 650 businesses, eight public schools and three private schools, eight apartment complexes of multiple stories, three nursing or elder care facilities, 25 churches, and one detention facility in the city jail.

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal and deputies responsible for multiple areas. They include fire inspections, fire investigations, and emergency management. The city fire marshal is also considered a fire administrator for the fire department. Certifications held by the fire marshal and deputies include TCFP Inspector and Investigator certificates as well as peace officer certifications from TCLEOSE. The fire marshal and deputies also hold TCFP and TCLEOSE instructor certifications for teaching purposes.

Friendswood does employ a building inspector who is responsible for multiple disciplines. They include code enforcement, plumbing inspections, mechanical inspections, and electrical inspections. The inspections conducted by the building official have various permit fees associated within the type of structure. All inspections are conducted under the 2000 Edition of the International Building Code and 2000 Life Safety Code.

Through the process of building code enforcement and fire inspections, there is an abatement program for dangerous conditions. Inspections are conducted by the fire marshal's office annually. If violations are discovered, the fire marshal's office will conduct a re-inspection within 15 days for the first violation and with 3-5 days thereafter. These inspections are regularly scheduled. The fire department conducts fire pre-planning inspections for firefighter safety and fire incident attack plans. The fire marshal's office will conduct a fire safety inspection immediately upon complaint. Non-compliant inspections receive a citation which covers basic elemental fire safety concerns. These citations are considered 'Class C misdemeanors and are handled by the municipal court. Fire safety inspections are conducted strictly within the city limits, while assistance is given outside the city limits for investigation purposes. Friendswood Volunteer Fire Department provides county-wide mutual assistance for all firefighting operations. They also



have written agreements with Harris County and Galveston County through a federal grant to provide assistance with hazmat specific emergencies. This agreement is part of a regionalized hazmat operation involving thirteen counties.

## **City of Galveston**

The City of Galveston is an incorporated city located on Galveston Island two miles offshore in the Gulf of Mexico. It is 50 miles from Houston and is the southern terminal point of Interstate Highway 45. The island is a part of the string of sand barrier islands along the coastal zone of Texas. Galveston is the home of the University of Texas Medical Branch, historic homes, and Texas A&M University.

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal, assistant fire marshal and two fire inspectors responsible for multiple areas. They include fire inspections, fire investigations, prevention, abatement, plans review, and public safety. The fire marshal and fire chief positions are unified into one position. Currently, there



are six persons in the fire department enrolled in an inspector's class to be certified by the Texas Commission on Fire Protection. Three of the six are certified fire investigators. Currently, one of their personnel is a certified inspector. The Fire Department does not charge to complete inspections.

Galveston Fire Department employs two individuals to conduct building inspections. They are responsible for multiple disciplines. They include mechanical inspections, plumbing inspections, gas inspections, electrical, and building inspections. One of the individuals is a certified code compliance inspector. Inspections conducted by the city building officials require fees. A permit fee is required on all businesses; followed by a \$20.00 re-inspection fee if required and a certificate of occupancy. A certificate of occupancy is also re-issued at a change of occupancy.

Adopted codes by the City of Galveston include the International Building Code, 2003 Edition and the National Electric Code. There are no abatement procedures in place for dangerous conditions. Approximately 70% of the inspections are conducted by the fire marshal's office annually. The fire department conducts fire pre-planning inspections for firefighter safety and fire incident attack plans. Random inspections and complaint-generated inspections are conducted. If violations are discovered, the fire marshal's office will issue a fine if there is refusal to comply. Fire safety inspections are handled strictly within the city limits, while assistance is given outside the city limits for investigation purposes. The

Galveston Fire Department provides county-wide mutual assistance for all firefighting operations.

Fire investigations in the City of Galveston are conducted by the Galveston Fire Marshal's Office. In 2003, the department reports that they responded to 391 calls, 64 of those fires were investigated for cause and origin. During normal working hours, investigators respond to each fire call. After working hours, investigators respond when requested by the fire scene incident commander. Of the 64 investigations that took place in 2003, 10 were cleared by arrest, and six were cleared with no arrest (accidental cause). The 10 cases resulted in the arrest of 13 adults and one juvenile leaving 37 cases as active files. The Galveston Fire Marshal's Office has six fire investigators with two of the six being certified peace officers.

### **Gilchrist**

Gilchrist, an unincorporated community, is a resort and residential community on State Highway 87 on Bolivar Peninsula approximately 17 miles east of Bolivar Point in Galveston County. Gilchrist has one hardware store and one R.V. service repair garage with a propane refilling operation, approximately 100 short term rental units, four public buildings (restaurants/bars) and two churches.

#### *Fire Department Operations*

This department does not have a fire marshal, building official or any nationally recognized standards for the purposes of enforcing fire safety violations. The fire department does inspect fire hydrants and conducts fire prevention presentations in the city of Gilchrist and High Island.



The fire department provides limited service for firefighting operations. Because of the unavailability of a fire marshal, inspections are conducted by the Galveston County Building Inspector. These inspections are conducted on new construction only without the use of any recognized standards. There is no enforcement action for non-compliance with inspections. The Gilchrist Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement. Gilchrist does not have an abatement process applicable to the fire safety inspection process.

## High Island

High Island, an unincorporated community, is on Bolivar Peninsula at the east end of Galveston County. It primarily serves as a residential location for weekenders and vacationers. High Island has one school with grades k-12. The school has multiple buildings, including a full service kitchen and laboratory, and is equipped with a fire alarm system. Other buildings in the area include one motel and four churches.



### *Fire Department Operations*

This department does not have a fire marshal's office. There are no certified fire inspectors or fire investigators conducting fire related services for the City of High Island. The city does not have a city building official, nor does the City of High Island have any adopted codes.



Fire investigations are handled by the Galveston County Sheriff's Office. Routine fire inspections are not conducted in High Island. However, the fire department does complete a preplanning inspection (walk through) in the school annually. There is no enforcement for the non-compliance of noted fire safety violations. The High Island Volunteer Fire Department has a county-wide mutual aid agreement with Galveston County and Chambers County for fire suppression related services.

## Hitchcock

Hitchcock is an incorporated community 14 miles northwest of Galveston on State Highway 6, Farm Roads 519 and 2004, and the Atchison, Topeka and Santa Fe line in southwestern Galveston County. The town offers a yacht basin and resort facilities. In 1991 Hitchcock reported 81 businesses and a population of 8,741. The city of Hitchcock has several day cares, industrial complexes, public buildings, motels/hotels, apartment complexes, short term rental units, detention facilities, and churches.

### *Fire Department Operations*

This department has a fire marshal's office consisting of a fire marshal and assistant fire marshal. The fire marshal holds a license as a fire investigator

under the Texas Commission on Fire Protection and a peace officer under the Texas Commission on Law Enforcement. The city does have a contracted part time building official and ordinance enforcement officer responsible for mechanical, gas, electrical, building and electrical inspections. The building officials do not hold any certification, but are currently enrolled in relevant training courses.

Permit fees are required for new construction, while additional fees are required for initial, re-evaluations, and follow-up inspections. Additional fees are required for certificate of occupancies, re-openings, and changes in occupancy. Hitchcock has adopted the entire 2003 International Code series for enforcement. Checklists are utilized for the inspection of licensed facilities. The checklists used are provided by the licensing entity. There is no abatement process for dangerous conditions, however, the ordinances mandate functions for the removal of dangerous conditions.

The enforcement for the non-compliance of noted fire safety violations is handled either through the licensing agency which requires compliance without further action or through the municipal court system. Fire safety inspections are conducted annually on licensed facilities. Company inspections were infrequent in the past, but are increasing throughout the area. A new fire chief in the city has begun generating greater activity for fire company preplanning inspections. The Hitchcock Volunteer Fire Department has a county-wide mutual aid agreement for fire suppression related services.

Fire investigations in the city of Hitchcock are conducted by the Galveston County Sheriff's Office and Hitchcock Police Department. In the past year, there have been 50-55 responses to fire calls with 2-3 of those being referred to the Sheriff's Office for investigation. Fatality fires are reported to the SFMO and the Galveston County SO.

## **Jamaica Beach**

Jamaica Beach, an incorporated community, is on Farm Road 3005 and West Bay just south of Galveston Island State Park on Galveston Island. The 2,000-lot development was incorporated in 1975. In 1990 the population was 624. The current population of Jamaica Beach is 1,075. The City of Jamaica Beach has one restaurant and one bar, one apartment complex containing 12 units that are two stories, approximately 100 short term rental units and one church.

### *Fire Department Operations*

This department has a volunteer fire marshal. The fire marshal for the city of Jamaica Beach is a volunteer who is certified as a fire inspector, fire investigator under the Texas Commission on Fire Protection and a Texas Peace Officer under the Texas Commission on Law Enforcement Officer Standards and Education. In that capacity, the fire marshal conducts inspections and

investigations. The fire department does not charge a fee to conduct fire inspections.

The city has a building official and there is a \$25.00 fee for inspections conducted by this individual. The fire department provides limited service for firefighting operations. An inspection checklist is utilized by the fire marshal which contains information relative to life safety. A fire safety prevention program is in place. The fire department has adopted the 2000 edition of the International Fire Code, 2000 edition of the Life Safety Code and Standard Building Code for mechanical, electrical, plumbing, and gas. Inspections are conducted annually and a fire safety prevention program is in place which consists of community events and brochures.

Mutual assistance for firefighting operations is provided with the neighboring City of Galveston and throughout the county through the Galveston Firefighters Association.

Fire investigations in the city of Jamaica Beach are conducted by the Jamaica Beach Fire Marshal. They report that there were approximately 6 fires in the past year of which only one was determined to be arson. They were unable to obtain enough proof to refer to the District Attorney. The department will also use other agencies through mutual aid agreements set up in the Galveston County-wide mutual aid agreement.

## **Kemah**

Kemah, an incorporated community, is on State Highway 146 and Farm Road 518 in Galveston Bay 25 miles northwest of Galveston in northeastern Galveston County. The community has summer homes belonging to residents of Galveston and Houston, several fishing camps and has emerged into a theme park-type atmosphere.



The town has several oil and ship-building industries. Kemah has incorporated and become part of the Clear Creek Consolidated Independent School District. The current population of Kemah is 2,330. Kemah has one public school and one private school, and ten plant refineries. These include fiberglass processing, shrimp packing, chemical and fiberglass molds, food processing, and rubber for mechanical belt equipment. Kemah also has 10 bed and breakfast facilities, 10 motels, two apartment complexes, 12 public facilities (bars and restaurants), one city jail facility, one church.

## *Fire Department Operations*

This department does not have a fire marshal. The city's municipal utility district provides limited service outside of the city limits. The fire department provides limited service for firefighting operations. The City of Kemah does not conduct



any inspections or have any methodology for fire safety inspections. Because of the unavailability of a fire marshal, inspections are conducted by the Galveston County Building Inspector.

Inspections are conducted on new construction only without the use of any recognized standards. Any building construction requires a permit fee through the city of Kemah. The Kemah Fire

Department does conduct fire inspections for the purposes of preplanning and tactical firefighting operation preparation. There is no enforcement action for non-compliance with inspections. Fire Safety Inspections are conducted annually on a complaint basis with re-inspections for compliance. Inspection checklists are utilized and a fire safety prevention program is in place. The Kemah Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement and with Harris County in the cities of Pasadena, Webster, Seabrook, and Nassau Bay. Although there is an open agreement with these entities, the primary response area for Kemah is the city itself, Lazy Bend, and Clear Lake Shores.

Kemah has an agreement with League City for assistance with fire investigators. Kemah has an abatement process applicable to the fire safety inspection process.

Fire Investigations in the city of Kemah are conducted by the Harris County Fire Marshal. The City of Kemah reports that they are not satisfied with the investigations being conducted by the Galveston County Sheriff's Office and that Harris County provides a quicker response time and more thorough investigations. Last year, the Kemah Fire Department responded to approximately three structure fires, three vehicle fires, and six water craft fires. Two of those fires were investigated; both were determined by the Harris County Fire Marshal to be accidental. The decision to call an investigator is made by the Incident Commander on the fire scene. All investigations also involve the Kemah Police Department.

## **La Marque**

La Marque is an incorporated residential community on Interstate Highway 45, State Highway 3, and Farm Roads 519, 1765, and 2004, 12 miles northwest of Galveston in northwestern Galveston County. La Marque serves as a residential community for employees at a nearby Union Carbide plant and other plants in the La Marque-Texas City area, as well as Galveston medical facilities. The current population of La Marque is 13,682. The city of La Marque has three public schools, six childcare facilities, five nursing or elder care facilities, 15 churches, three hotels, and one industrial facility that manufactures fiber optic cable.

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal and fire inspectors responsible for multiple areas. They include fire inspections, fire investigations, and emergency management. The fire marshal and fire chief positions are unified into one position. Currently, there are six persons in the fire department enrolled in an inspector's class to be certified by the Texas Commission on Fire Protection. Three of the six are certified fire investigators. Currently, one of their personnel is a certified inspector. The Fire Department does not charge to complete inspections.

La Marque employs two individuals to conduct building inspections. They are responsible for multiple disciplines. They include mechanical inspections, plumbing inspections, gas inspections, electrical, and building inspections. One of the individuals is a certified code compliance inspector, while the other individual works under practical experience.

Inspections conducted by the city building officials require fees. A permit fee is required on all businesses followed by a \$20.00 re-inspection fee if required and a certificate of occupancy. A certificate of occupancy is also re-issued at a change of occupancy. Adopted codes by the City of La Marque include the International Building Code, 2003 Edition and the National Electric Code. There are no abatement procedures in place for dangerous conditions. Approximately 70% of the inspections are conducted by the fire marshal's office.

The fire department conducts fire pre-planning inspections for firefighter safety and fire incident attack plans. Random inspections and complaint-generated inspections are conducted. If violations are discovered, the fire marshal's office will issue a fine if there is refusal to comply. Fire safety inspections are handled strictly within the city limits, while assistance is given outside the city limits for investigation purposes. La Marque Fire Department provides county-wide mutual assistance for all firefighting operations.

Fire investigations are conducted by the La Marque Fire Department. Currently, the department reports having three certified fire investigators who are involved with investigating 2-6 criminal cases a year. The La Marque Fire Department

responds to approximately 30-40 fires per year with all fires being investigated for cause and origin. Only one referral has been made to the District Attorney in the past year. The City of La Marque calls the Sheriff's Office and the State Fire Marshal's Office for all fatality fires. The city does not have an arson prevention program, but does provide firefighter training for first responder fire cause and origin recognition. Vehicle fires are investigated by the Sheriff's Office Auto Crimes Task Force.

## **League City**

League City, an incorporated community, is on Clear Creek and Magnolia Bayou, State Highway 3, and U.S. Highway 75, in between Houston and Galveston, in northwestern Galveston County. In 1990 League City had 189 businesses and 18,996 residents. As the population expanded, the town incorporated land westward to the Friendswood city limits. The current population of League City is 45,444. League City has approximately 650 businesses, 10 public schools, 20 apartment complexes of multiple stories, 30 childcare facilities, three nursing or elder care facilities, 40 churches, three hotels, and one detention facility in the city jail that is fully sprinklered. College of the Mainland has one building in League City that has a fire alarm system.

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal and deputies responsible for multiple areas. They include fire inspections, fire investigations, and emergency management. Certifications held by the fire marshal and deputies include TCFP Inspector and Investigator certificates as well as peace officer certifications from TCLEOSE. League City has a fire inspector whose responsibilities includes fire inspections and plans review. The fire marshal and deputy fire marshal also hold a Texas Health Inspector Certification to conduct health inspections.

League City does employ a building inspector who is responsible for multiple disciplines. They include new construction plans and inspection, plans review, FEMA flood plain management, and inspections. Certifications held by the building official include a plumbing inspector and plumbing inspector license. The inspections conducted by the building official involve fees, adopted by ordinance, that follow IBC guidelines. After hours' inspections are based on IBC tables for extra hours worked. All inspections are conducted under the 2000 edition of the International Building Code, 2003 Life Safety Code, and 1999 National Electric Code.

Through the process of building code enforcement and fire inspections, there is an abatement program for dangerous conditions. Inspections are conducted by the fire marshal's office annually. If violations are discovered, the fire marshal's office will conduct a re-inspection. The inspections of nursing homes, schools, and day care facilities are conducted bi-annually. The fire department conducts



fire pre-planning inspections for firefighter safety and fire incident attack plans on new construction. The fire marshal's office will conduct a fire safety inspection immediately upon complaint. Non-compliant inspections receive a citation which covers basic elemental fire safety concerns to the maximum penalty allowed by statutes and can be issued to the same facility, by the day, per violation. Fire safety inspections are handled strictly within the city limits, while assistance is given outside the city limits for investigation purposes. League City Volunteer Fire Department provides county-wide mutual assistance for all firefighting operations. They also have written agreements with Harris County, Pasadena, and Galveston County.

## **Port Bolivar**

Port Bolivar, an unincorporated community, is a community at the western tip of Bolivar Peninsula. In 1990 it had a population of 1,200, a school operated by the Galveston Independent School District, and 20 businesses. In 1994 the businesses numbered 43. Port Bolivar has two schools, two industrial ship yards and barge cleaning services, two restaurants, four stores, one barn, one motel, 25 short term rental units, and three churches.



### *Fire Department Operations*

This department does not have a fire marshal, building official or any nationally recognized standards for the purposes of enforcing fire safety violations. Because of the unavailability of a fire marshal, inspections are conducted by the Galveston County Building Inspector. These inspections are conducted on new construction only without the use of any recognized standards. There is no enforcement action for non-compliance with inspections.

The Port Bolivar Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement. Port Bolivar does not have an abatement process applicable to the fire safety inspection process. The existing abatement process is conducted by the County. Fire investigations are conducted by the county sheriff's office.

## **San Leon**

San Leon, an unincorporated community, is on Farm Road 517 four miles west of Dickinson in northeastern Galveston County. The site is on a 5,000-acre peninsula surrounded by Galveston, Trinity, and Dickinson bays in North

Galveston. The San Leon schools were eliminated when the Dickinson Independent School District was established. In 1990 the population was reported as 3,328. San Leon has a volunteer fire department, a municipal utility district, the Blume fig farm, and an American Legion hall. The current population is 4,365. San Leon has one private school, apartments, churches, motels, and one industrial facility.

### *Fire Department Operations*

This department does not have fire marshal's office. The fire department has 18 volunteer firefighters and provides fire safety services to approximately 13 square



miles. There are no certified fire inspectors or fire investigators conducting fire related services for San Leon. The community does not have a building official, nor does San Leon have any adopted codes. However, new homes are required to have a Galveston County Building Permit prior to having utilities connected. Any complaints regarding fire safety inspections are conducted by the fire chief, Galveston County Sheriff's Office, or Galveston County Health Department.

Inspections on licensed facilities within the department's jurisdiction are conducted utilizing a checklist from the licensing agency. There is no enforcement for the non-compliance of noted fire safety violations. Fire safety inspections are conducted annually followed with re-inspections. Complaint-generated inspections are also conducted. The San Leon Volunteer Fire Department has a countywide mutual aid agreement for fire suppression related services. They have the responsibility for the initial response on fires within their 13 square mile district.

Fire investigations are investigated by a non-certified volunteer firefighter who received training in a first responder course and origin recognition course. The fire department responds to 20-25 fires per year with 2-3 fires reported to the Sheriff's Office as arson for criminal investigations. In the past five years, only one fire has been filed with the District Attorney. The fire department conducts first responder training in cause and origin recognition.

## Santa Fe

Santa Fe is an incorporated community on State Highway 6 and the Atchison, Topeka and Santa Fe line 16 miles northwest of Galveston in west central Galveston County. The City of Santa Fe has seven schools, approximately 12 day care centers, one assisted living facility, 20 public buildings (restaurants/bars), five two-story apartment buildings, 10 churches, one detention facility (city jail). There is one light-hazard industrial facility which consists of a small slop operation.

### *Fire Department Operations*

The city has a fire marshal whose position is not connected with the fire department; rather, the fire marshal works independently under the city. The fire marshal for the city of Santa Fe is certified as a fire inspector under the Texas Commission on Fire Protection and a Texas Peace Officer under the Texas Commission on Law Enforcement Officer



Standards and Education. In that capacity, the fire marshal conducts inspections and investigations. The city does not charge a fee to conduct fire inspections.

The city has a building official who is certified through the SBCCI-ICC, windstorm, residential electrical certification, and state plumbing board. The building official conducts inspections on new construction, electric, and sewage. There is a permit fee for inspections conducted by the building official. All of the inspections are conducted under the ICC Code, i.e., 2003 International Building Codes, and the 2002 National Electric Code. The city does have an abatement process related to fire safety inspections.



An inspection checklist is utilized by the fire marshal containing information relative to life safety and utilizes a narrative format for noting items which need to be repaired. Fire safety inspections are conducted at annual and quarterly intervals. Random and complaint-generated inspections

are also conducted within the city. The fire department will conduct inspections on new construction for the purposes of firefighting preplanning and life safety operations.

Enforcement for non-compliance is accomplished through the filing of fire safety violations and ordinances in municipal court. The city of Santa Fe does not have a fire safety prevention program in place at this time. Mutual assistance for firefighting operations is provided throughout the county through the Galveston Firefighters Association and a written agreement with the city of La Marque.

Fire investigations in the city of Santa Fe are conducted by the Santa Fe Fire Marshal. The city fire marshal conducted less than 12 investigations in the last year with one of those including a fatality. The city fire marshal reports that there haven't been any cases referred to the District Attorney for criminal charges in several years. However, the Santa Fe Police Department assisted in an investigation several years ago where they filed the case resulting in a conviction. Further, the city fire marshal reports that he has called the SFMO for investigative assistance, but has not done so in several years.

## **Texas City**



Texas City, an incorporated community, lies on the southwestern shore of Galveston Bay seven miles from Galveston and 11 miles from the Gulf of Mexico and is a deepwater port. Texas City has seven public schools, 50 apartment complexes of multiple stories, 30 childcare facilities, four nursing or elder care facilities, 40 churches, eight hotels, and seven large industrial facilities. There is a branch campus of College of the Mainland, and three detention facilities (one city jail and two state facilities).

### *Fire Department Operations*

This department has a city fire marshal's office consisting of a fire marshal and deputies responsible for multiple areas. They include fire inspections, fire investigations, and plan reviews. Certifications held by the fire marshal and deputies include TCFP Inspector and Investigator certificates as well as two

peace officer certifications from TCLEOSE. Texas City has a fire inspector whose responsibility includes fire inspections and plans review.

Texas City does employ a building inspector who is responsible for multiple disciplines. They include building inspections, plumbing inspections, mechanical and electrical inspections. The inspections conducted by the fire department are based on the 2003 edition of the Life Safety Code. Through the process of building code enforcement and fire inspections, there is an abatement program for dangerous conditions. Inspections are conducted by the fire marshal's office annually. If violations are discovered, the fire marshal's office will conduct a re-inspection. The inspections of nursing homes, schools, and day care facilities are conducted bi-annually.

The fire department conducts fire pre-planning inspections for firefighter safety and fire incident attack plans on new construction. The fire marshal's office will conduct a fire safety inspection immediately upon complaint. Non-compliant inspections receive a citation which covers basic elemental fire safety concerns to the maximum penalty allowed by statutes and can be issued to the same facility, by the day, per violations. Fire safety inspections are handled strictly within the city limits, while assistance is given outside the city limits for investigation purposes. Texas City Fire Department provides county-wide mutual assistance for all firefighting operations through the Galveston Firefighters Association.

### **Village of Tiki Island**

The Village of Tiki Island is an incorporated city located in Galveston County, Texas. The Village of Tiki Island is a coastal community located off Interstate 45 on a peninsula in Jones Bay, five miles west of Galveston in Galveston County. The Village of Tiki Island has a mayor and alderman form of government. The city is a resort community for weekenders and has a police department, volunteer fire department, three condominiums, 15-20 short term residential units, and one church. As of the 2000 census, the village had a total population of 1,016.



### *Fire Department Operations*

This department has a volunteer fire marshal's office which conducts fire investigations and fire inspections at no cost to recipients. The fire marshal does not hold a current certification with respect to inspections or investigations. The city currently has a building official whose main duties consist of inspections. The Village of Tiki Island has adopted the National Electric Code related to building, plumbing, electrical, gas, energy and city ordinances, which reference the 1999 Southern Standard Building Code.



The building official is certified under the Standard Southern Building Code Congress. The building official does not charge for inspections, however, there is a \$30 permit fee based on square footage. Enforcement action for non-compliance with inspections is handled by the issuance of a citation. Fire Safety Inspections are conducted annually and on a complaint basis with re-inspections for compliance. Inspection checklists are utilized. A fire safety prevention program is in place.

The Village of Tiki Island Volunteer Fire Department responds to all fire department calls through the Galveston County Mutual Agreement and the City of Bayou Vista. The Village of Tiki Island has an abatement process applicable to the fire safety inspection process.

## **Government Code**

### **Chapter 417. State Fire Marshal**

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Sec. 417.001. DEFINITIONS. In this chapter:

- (1) "Commissioner" means the commissioner of insurance.
- (2) "Department" means the Texas Department of Insurance.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 983, Sec. 2, eff. Jan. 1, 1990; Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997.

Sec. 417.002. APPOINTMENT AND TENURE. The state fire marshal is appointed by the commissioner. The state fire marshal serves at the pleasure of the commissioner and may be discharged at any time. The state fire marshal shall report to the commissioner.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997.

Sec. 417.003. STATUS AS STATE-COMMISSIONED OFFICER. The state fire marshal is a state-commissioned officer and functions in that capacity subject to rules of the commissioner.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997.

Sec. 417.004. GENERAL POWERS AND DUTIES. (a) The state fire marshal, under the supervision of the commissioner, shall administer and enforce applicable provisions of the Insurance Code and other law relating to the state fire marshal. The commissioner shall perform the supervisory and rule-making functions previously performed by the Texas Commission on Fire Protection under this subsection. The commissioner and the commission shall transfer information between the two agencies as necessary to allow the agencies to perform their statutory duties. The commissioner and the commission may make and adopt by rule memoranda of understanding as necessary to coordinate their respective duties.

(b) The state fire marshal is the chief investigator in charge of the investigation of arson and suspected arson in the state.

(c) The state fire marshal may make or encourage studies of fire protection, including fire administration.

(d) The state fire marshal may conduct research to improve fire protection and fire administration and may stimulate research by public and private agencies for that purpose.

(e) The state fire marshal may, on the request of a public or nonprofit entity with duties related to fire protection, advise or assist the entity in relation to those duties.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997.

Sec. 417.005. ADOPTION OF RULES. The commissioner, after consulting with the state fire marshal, may adopt necessary rules to guide the state fire marshal and fire and arson investigators commissioned by the state fire marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the commissioner.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 912, Sec. 21, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997.

Sec. 417.0051. FIRE PREVENTION AND SAFETY EDUCATION. The commissioner, through the state fire marshal:

(1) shall use pertinent and timely facts relating to fires to develop educational programs and disseminate materials necessary to educate the public effectively regarding methods of fire prevention and safety; and

(2) may accept gifts, grants, and donations from any source for the purposes of this section.

Added by Acts 1989, 71st Leg., ch. 186, Sec. 1, eff. Aug. 28, 1989. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.01, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1124, Sec. 1, eff. Sept. 1, 2003.

Sec. 417.0052. TEXAS FIRE INCIDENT REPORTING SYSTEM. The state fire marshal, under the direction of the commissioner, is responsible for maintaining and administering the Texas Fire Incident Reporting System.

Added by Acts 1997, 75th Leg., ch. 1172, Sec. 3.02, eff. Sept. 1, 1997.



Sec. 417.006. FIRE AND ARSON INVESTIGATORS. The state fire marshal may commission peace officers to act as fire and arson investigators under his supervision and to perform other law enforcement duties assigned to the commissioner and the state fire marshal by law. The state fire marshal may revoke a peace officer's commission under this section for just cause.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 912, Sec. 22, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1172, Sec. 3.03, eff. Sept. 1, 1997.

Sec. 417.007. INVESTIGATION OF FIRE. (a) The state fire marshal shall immediately investigate a fire occurring in this state in which property is destroyed if the commissioner directs the investigation or, in the discretion of the commissioner, if the investigation is requested by:

(1) the mayor, fire chief, fire marshal, or police chief of a municipality in which a fire occurs;

(2) a county or district judge, sheriff, county fire marshal, chief or fire marshal of a fire department in an unincorporated area, or county attorney of a county in which a fire occurs;

(3) a fire insurance company interested in a loss or the company's general, state, or special agent;

(4) an insurance policyholder, property owner, or lessee sustaining a fire loss;

(5) a justice of the peace or a constable of a precinct in which a fire occurs; or

(6) officials of a state or federal law enforcement agency or local or special governmental district involved or interested in a fire loss that occurred in this state.

(b) The state fire marshal at any time may enter a building or premises at which a fire is in progress or has occurred and is under control of law enforcement or fire service officials to investigate the cause, origin, and circumstances of the fire. If control of the building or premises has been relinquished, entry must be in compliance with search and seizure law and applicable federal law.

(c) The state fire marshal shall conduct the investigation at the place of the fire and before an insured loss may be paid. The state fire marshal shall ascertain, if possible, whether the fire was caused intentionally, carelessly, or

accidentally. The state fire marshal shall make a written report of the investigation to the commissioner.

(d) If the state fire marshal believes that further investigation is necessary, the state fire marshal shall take sworn statements from persons who in his opinion can supply relevant information and shall have the statements put in writing. The state fire marshal may administer oaths and compel the attendance of witnesses and the production of documents.

(e) If the state fire marshal believes that there is sufficient evidence to charge a person with arson, attempted arson, conspiracy to commit fraud, or another offense related to the matter under investigation, the state fire marshal shall give to the appropriate prosecuting attorney all evidence and relevant information that has been obtained, including the names of witnesses. The state fire marshal shall arrest the person if the person has not been arrested by some other authority. The state fire marshal shall assist in the prosecution of any complaint he files.

(f) The state fire marshal may, in his discretion, conduct or direct the conduct of an investigation in private and may exclude from the place of the investigation persons not needed for the investigation. Witnesses may be separated from each other and not be allowed to communicate with other witnesses until after they have testified.

(g) The state fire marshal may elect to withhold from the public any testimony taken in an investigation under this section.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 186, Sec. 2, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1172, Sec. 3.04, eff. Sept. 1, 1997.

Sec. 417.0075. INVESTIGATION OF FIREFIGHTER FATALITY. (a) In this section, the term "firefighter" includes an individual who performs fire suppression duties for a governmental entity or volunteer fire department.

(b) If a firefighter dies in the line of duty in connection with a fire-fighting incident in this state, the state fire marshal shall investigate the circumstances surrounding the death of the firefighter, including the cause and origin of the fire, the condition of the structure, and the suppression operation, to determine the factors that may have contributed to the death of the firefighter.

(c) In conducting an investigation under this section, the state fire marshal has the same powers as those granted to the state fire marshal under Section 417.007. The state fire marshal shall coordinate the investigative efforts

of local government officials and may enlist established fire service organizations and private entities to assist in the investigation.

(d) The state fire marshal shall release a report concerning an investigation conducted under this section on completion of the investigation.

(e) Not later than October 31 of each year, the state fire marshal shall deliver to the commissioner a detailed report about the findings of each investigation conducted under this section in the preceding year.

(f) Information gathered in an investigation conducted under this section is subject to Section 552.108.

(g) The authority granted to the state fire marshal under this section shall not limit in any way the authority of the county or municipal fire marshal to conduct the county or municipal fire marshal's own investigation into the death of a firefighter within the county or municipal fire marshal's jurisdiction.

Added by Acts 2001, 77th Leg., ch. 846, Sec. 1, eff. Sept. 1, 2001.

Sec. 417.008. RIGHT OF ENTRY; EXAMINATION AND CORRECTION OF DANGEROUS CONDITIONS. (a) On the complaint of any person, the state fire marshal, at any reasonable time, is entitled to enter any building or premises in the state.

(b) The state fire marshal shall enter and is entitled, at any time, to enter any mercantile, manufacturing, or public building, place of amusement, or place where public gatherings are held, or any premises belonging to such a building or place, and make a thorough examination.

(c) The state fire marshal shall order the removal of a building or structure or other remedial action if he finds that:

(1) the building or other structure, because of lack of repair, age, dilapidated condition, or other reason, is susceptible to fire and is so located or occupied that fire would endanger persons or property in the building or structure;

(2) a dangerous condition is created by:

(A) an improper arrangement of stoves, ranges, furnaces, or other heating appliances, including chimneys, flues, and pipes with which they are connected, or by their lighting systems or devices; or

(B) the manner of storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, or combustible, flammable, or refuse materials; or

(3) any other condition exists that is dangerous or is liable to cause or promote fire or create danger for fire fighters, occupants, or other buildings or structures.

(d) The occupant or owner of the building or premises shall immediately comply with an order made by the state fire marshal under this section. The state fire marshal may, if necessary, apply to a court of competent jurisdiction for writs or orders necessary to enforce this section, and the court may grant appropriate relief. The state fire marshal is not required to give a bond.

(e) The commissioner may adopt by rule any appropriate standard developed by a nationally recognized standards-making association under which the state fire marshal may enforce this section, except that standards adopted by rule under this subsection do not apply in a geographic area under the jurisdiction of a local government that has adopted fire protection ordinances that apply in the geographic area.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 186, Sec. 2, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 912, Sec. 23, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1172, Sec. 3.05, eff. Sept. 1, 1997.

Sec. 417.0081. INSPECTION OF CERTAIN STATE-OWNED BUILDINGS. The state fire marshal, at the commissioner's direction, shall periodically inspect public buildings under the charge and control of the General Services Commission.

Added by Acts 1993, 73rd Leg., ch. 684, Sec. 49, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1172, Sec. 3.06, eff. Sept. 1, 1997.

Sec. 417.0082. PROTECTION OF CERTAIN STATE-OWNED BUILDINGS AGAINST FIRE HAZARDS. (a) The state fire marshal, under the direction of the commissioner, shall take any action necessary to protect a public building under the charge and control of the General Services Commission, and the building's occupants, against an existing or threatened fire hazard.

(b) The commissioner and the General Services Commission shall make and each adopt by rule a memorandum of understanding that coordinates the agency's duties under this section.

Added by Acts 1993, 73rd Leg., ch. 684, Sec. 52, eff. Sept. 1, 1993. Renumbered from V.T.C.A., Government Code Sec. 419.0081, and amended by Acts 1997, 75th Leg., ch. 1172, Sec. 3.07, eff. Sept. 1, 1997.

Sec. 417.0083. FIRE SUPPRESSION RATINGS SCHEDULE. (a) The state fire marshal shall perform duties as directed by the commissioner relating to the department's fire suppression ratings schedule.

(b) The state fire marshal may provide technical assistance to paid fire departments, volunteer fire departments, and local governments responding to the use of the fire suppression ratings schedule.

Added by Acts 1991, 72nd Leg., ch. 628, Sec. 4, eff. Sept. 1, 1991. Renumbered from V.T.C.A., Government Code Sec. 419.901 and amended by Acts 1997, 75th Leg., Sec. 3.08, eff. Sept. 1, 1997.

Sec. 417.009. DELEGATION OF AUTHORITY. (a) If for any reason the state fire marshal is unable to make a required investigation in person, the marshal may designate the fire marshal of the city or town where the investigation is to be made or another suitable person to act for the state fire marshal.

(b) The designated person has the same authority with respect to the investigation as is provided by this chapter for the state fire marshal. The designated person is entitled to compensation as provided by the commissioner.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by 1, 1997; Acts 1991, 72nd Leg., ch. 628, Sec. 5, eff. Sept. 1, 1991 by Acts 1997, 75th Leg., ch. 1172, Sec. 3.09, eff. Sept.

Sec. 417.010. ALTERNATE REMEDIES. The state fire marshal, in the enforcement of a law that is enforced by or through the state fire marshal, may in lieu of cancelling, revoking, or suspending a license or certificate of registration impose on the holder of the license or certificate of registration an order directing the holder to do one or more of the following:

- (1) cease and desist from a specified activity;
- (2) remit to the commissioner within a specified time a monetary forfeiture not to exceed \$10,000 for each violation of an applicable law or rule; and
- (3) make restitution to a person harmed by the holder's violation of an applicable law or rule.

Added by Acts 1993, 73rd Leg., ch. 912, Sec. 24, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1172, Sec. 3.10, eff. Sept. 1, 1997.

## **Local Government Code – Chapter 352**

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### LOCAL GOVERNMENT CODE

#### CHAPTER 352. COUNTY FIRE PROTECTION

##### SUBCHAPTER A. PROTECTION OF COUNTY RESIDENTS

§ 352.001. FIRE PROTECTION OF COUNTY RESIDENTS. (a) The commissioners' court of a county may furnish fire protection or fire-fighting equipment to the residents of the county or of an adjoining county who live outside municipalities.

(b) The commissioners' court may:

- (1) purchase fire trucks or other fire-fighting equipment;
- (2) issue time warrants and levy and collect taxes to pay the principal of and interest on the time warrants as provided by law; and
- (3) contract with the governing body of a municipality located within the county or within an adjoining county to use fire trucks or other fire-fighting equipment that belongs to the municipality.

(c) The commissioners' court of a county may contract with an incorporated volunteer fire department that is located within the county to provide fire protection to an area of the county that is located outside the municipalities in the county. The court may pay for that protection from the general fund of the county.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.002. USE OF SURPLUS OR SALVAGE PROPERTY BY VOLUNTEER FIRE DEPARTMENT. (a) In this section:

(1) "Surplus property" means personal property that is in excess of the needs of its owner, that is not required for the owner's foreseeable needs, and that possesses some usefulness for the purpose for which it was intended or for some other purpose.

(2) "Salvage property" means personal property, other than wastepaper, that because of use, time, or accident is so damaged, used, or consumed that it has no value for the purpose for which it was originally intended.

(b) The commissioners' court of a county may contract to supply surplus or salvage property to any incorporated volunteer fire department with which the commissioners court has contracted under Section 352.001.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.003. FIRE PROTECTION IN CERTAIN COUNTIES. (a) For use in protecting bridges, county shops, county warehouses, and other property located

outside the municipalities in a county with a population of 350,001 to 449,999, the commissioners court of the county may:

- (1) purchase fire trucks and other fire-fighting equipment; and
- (2) contract with a centrally located municipality within the county

for the operation and maintenance of the equipment.

(b) In a county with a population of less than 20,000 and a property valuation of more than \$100 million according to the most recently approved county tax rolls, the commissioners' court of the county may:

(1) contract with the governing bodies of municipalities in the county for the furnishing by the municipalities of fire protection outside the municipalities; and

- (2) appropriate funds to pay the municipalities.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.004. AGENCY; LIABILITY. (a) In this section, "furnishing fire protection" includes traveling to or from a fire.

(b) The act of a person who, in carrying out a county's authority to provide fire protection, furnishes fire protection to a county resident who lives outside the municipalities in the county, including the act of a person who is a regular employee or fire fighter of a municipality, is considered to be the act of an agent of the county.

(c) A municipality is not liable for the act of its employee in fighting fires outside the municipality under a contract between the commissioners' court of the county and the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.005. CONTRACTUAL PROVISION OF FIRE-FIGHTING EQUIPMENT OR SERVICES. (a) This section applies to a county with a population of 350,000 or more.

(b) By an order or resolution passed by majority vote, the governing body of a municipality that has a volunteer fire department recognized by the State Board of Insurance may petition the commissioners' court to furnish fire-fighting equipment to the municipality. The commissioners' court may contract with the petitioning governing body to furnish the equipment if the governing body shows that the municipality is eligible to receive the service and benefit of the equipment by compliance with this section.

(c) A group of at least 25 county residents who live in an unincorporated community in the county, who are qualified to vote in a county bond election, and who have organized or will organize within a reasonable time a volunteer fire department recognized by the State Board of Insurance may petition the commissioners court of the county to furnish fire-fighting equipment to the group. The commissioners' court may contract with the petitioning residents to furnish the equipment.



(d) The commissioners' court may provide the fire-fighting equipment for the use and benefit of the petitioner under a contract subject to the conditions that the petitioner shall:

- (1) furnish a satisfactory place in which to keep the equipment;
- (2) pay all the costs of operating the equipment; and
- (3) furnish the personnel necessary to operate the equipment.

(e) The county shall keep the fire-fighting equipment in good working order and make all necessary repairs or replacements. The commissioners' court shall determine if a repair or replacement is necessary and shall require that repair work, including labor and materials, be provided as much as possible by the court's shops that it designates. The commissioners' court may provide the petitioner with at least one emergency unit of fire-fighting equipment to be used while the regular unit is being repaired or replaced. The commissioners' court may use an available truck or other equipment if it is unable to acquire a new truck or equipment for the purpose of building or equipping the fire-fighting equipment.

(f) The petitioner is responsible for the safekeeping of the fire-fighting equipment and is liable to the county for any loss through theft, or, if the petitioner is a municipality, through negligence by an officer, agent, or employee of the municipality, or, if the petitioner is a group of county residents, through negligence by one of those residents who handles or operates the equipment.

(g) Before a unit of fire-fighting equipment is delivered to a petitioner, the petitioner must post a bond with good and sufficient surety, payable to the county, in an amount fixed by the commissioners' court that does not exceed the initial cost of the unit of fire-fighting equipment. The bond must be conditioned on payment to the county of the amount of the actual loss to each unit of equipment, or part of a unit, that results from theft or negligence for which the petitioner is liable.

(h) The fire-fighting equipment shall remain in the county. The commissioners' court may inspect the equipment at any time and may repossess the equipment for noncompliance with this section by the petitioner.

(i) For the purpose of fighting fires outside the limits of a municipality, the commissioners' court may contract with any municipality in the county for the use of fire-fighting equipment and the use and service of the equipment by the municipal fire department. The contract shall be on the terms and conditions agreed to by the commissioners' court and the governing authority of the municipality. The commissioners court shall pay the costs of the items covered by the contract from the general fund of the county.

(j) Fire-fighting equipment purchased by a county for the purpose of furnishing equipment under this section is subject to the competitive bidding requirements applicable to other county purchases.

(k) The commissioners' court shall pay the costs of administering this section from the general fund of the county.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.006. SALE OF USED FIRE PROTECTION OR FIRE-FIGHTING EQUIPMENT TO CERTAIN VOLUNTEER FIRE DEPARTMENTS. (a) In this section, "volunteer fire department" means an association that:

- (1) operates fire-fighting equipment;
- (2) is organized primarily to provide and actively provides fire-fighting services;
- (3) does not pay its members compensation other than nominal compensation; and
- (4) does not distribute any of its income to its members, officers, or governing body, other than for reimbursement of expenses.

(b) Notwithstanding Subchapter D, Chapter 263, or other law, the commissioners court of a county may sell used fire-fighting equipment, excluding equipment described in Sections 419.040 and 419.041, Government Code, to a volunteer fire department for eight percent of the original purchase value of the equipment if:

- (1) the fire protection or fire-fighting equipment is at least 15 years old and met the National Fire Protection Association standards at the original time of purchase; and
- (2) the volunteer fire department provides fire protection to an area within the county.

Added by Acts 2003, 78th Leg., ch. 952, § 1, eff. Sept. 1, 2003.

## SUBCHAPTER B. COUNTY FIRE MARSHAL

§ 352.011. CREATION OF OFFICE; TERM. (a) The commissioners' court of a county may establish the office of county fire marshal and provide office facilities, equipment, transportation, assistants, and professional services for that office.

(b) The commissioners' court shall establish the term of office for a county fire marshal for a period not to exceed two years.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.012. QUALIFICATIONS FOR OFFICE. (a) To qualify for office, the county fire marshal must take the oath prescribed by the constitution of this state and post a bond as required by the commissioners court conditioned that the marshal will faithfully and strictly perform the duties of the office.

(b) The county fire marshal may not be directly or indirectly interested in the sale of fire-fighting equipment and may not be engaged in any type of fire insurance business.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.013. INVESTIGATION OF FIRES. (a) The county fire marshal shall:

(1) investigate the cause, origin, and circumstances of fires that occur within the county but outside the municipalities in the county and that destroy or damage property or cause injury; and

(2) determine whether a fire was the result of negligent or intentional conduct.

(b) The commissioners' court of a county, with the advice of the county fire marshal, shall adopt rules and procedures for determining which fires warrant investigation by the county fire marshal. The county fire marshal shall begin an investigation within 24 hours after the receipt of information regarding a fire that warrants investigation under commissioners' court rules and procedures. The 24-hour period does not include a Sunday.

(c) In the performance of official duties, the county fire marshal, at any time of day, may enter and examine a structure where a fire has occurred and may examine adjacent premises.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 371, § 1, eff. Sept. 1, 2003.

§ 352.014. RECORD OF INVESTIGATION. The county fire marshal shall keep a record of each fire that the marshal is required to investigate. The record must include the facts, statistics, and circumstances determined by the investigation, including the origin of the fire and the estimated amount of the loss. Each fire department and state or local agency that provides emergency medical services must submit reports requested by the county fire marshal in a timely manner.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1248, § 64, eff. Sept. 1, 1989; Acts 2003, 78th Leg., ch. 371, § 1, eff. Sept. 1, 2003.

§ 352.015. ARSON INVESTIGATION. (a) If the county fire marshal determines that further investigation of a fire or of an attempt to set a fire is necessary, the marshal may:

(1) subpoena witnesses to testify regarding the fire or attempt;

(2) administer oaths to the witnesses;

(3) take and preserve written statements, affidavits, and depositions; and

(4) require the production of an instrument that is pertinent to the investigation.

(b) The county fire marshal shall file in a court of competent jurisdiction a complaint charging arson, attempted arson, conspiracy to defraud, or any other crime against a person the marshal believes to be guilty.

(c) The county fire marshal shall file charges under Section 352.021 in a court of competent jurisdiction against a witness who refuses to cooperate with the investigation.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.016. INSPECTION OR REVIEW OF PLAN FOR FIRE OR LIFE SAFETY HAZARDS. (a) In this section, "fire or life safety hazard" means any condition that endangers the safety of a structure or its occupants and promotes or causes fire or combustion, including:

- (1) the presence of a flammable substance;
- (2) a dangerous or dilapidated wall, ceiling, or other structural element;
- (3) improper electrical components, heating, or other building services or facilities;
- (4) the presence of a dangerous chimney, flue, pipe, main, or stove, or of dangerous wiring;
- (5) dangerous storage, including storage or use of hazardous substances; or
- (6) inappropriate means of egress, fire protection, or other fire-related safeguard.

(b) In the interest of safety and fire prevention, the county fire marshal may inspect for fire or life safety hazards any structure, appurtenance, fixture, or real property located within 500 feet of a structure, appurtenance, or fixture. The marshal shall inspect a structure for fire or life safety hazards if called

on to do so. In the absence of a county fire code, the county fire marshal may conduct an inspection using any nationally recognized code or standard adopted by the state. If the marshal determines the presence of a fire or life safety hazard, the marshal may order the owner or occupant of the premises to correct the hazardous situation. If ordered to do so, an owner or occupant shall correct the hazardous situation in accordance with the order.

(b-1) In the interest of safety and fire prevention, the county fire marshal shall, if required, and may, if requested, review the plans of a business, single-family residence, multi-family dwelling, or commercial property for fire or life safety hazards.

(c) The commissioners' court by order may authorize the county fire marshal to charge a fee to the owner of a business, a multi-family dwelling, or commercial property for a plan review or inspection conducted under this section in a reasonable amount determined by the commissioners court to cover the cost of the plan review or inspection.

(d) The commissioners court by order may authorize the county fire marshal to charge a fee to the owner of a single-family residence for a plan review or inspection conducted under this section in a reasonable amount determined by the commissioners court to cover the cost of the plan review or

inspection, if the plan review or inspection is requested by the owner of the property.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 358, § 1, eff. June 14, 1989; Acts 1989, 71st Leg., ch. 760, § 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 851, § 1, eff. Sept. 1, 1991; Acts 2003, 78th Leg., ch. 371, § 1, eff. Sept. 1, 2003.

§ 352.017. PRIVACY OF EXAMINATIONS; SERVICE OF PROCESS.

(a) In a proceeding under this subchapter, the county fire marshal may:

- (1) conduct an investigation or examination in private;
- (2) exclude a person who is not under examination; and
- (3) separate witnesses from each other until each witness is

examined.

(b) Service of process required by this subchapter shall be made by a peace officer and shall be signed by the county fire marshal or the fire marshal's deputy.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 371, § 2, eff. Sept. 1, 2003.

§ 352.018. EFFECT ON CIVIL ACTIONS. (a) An action taken by a county fire marshal in the investigation of a fire does not affect the rights of a policyholder or of any company regarding a loss caused by the fire.

(b) The result of an investigation by the county fire marshal of a fire may not be admitted in evidence in the trial of a civil action brought under the insurance policy.

(c) The statement of an insurance company, the company's officers, agents, or adjusters, or of a policyholder or the policyholder's representative, that is made to the county fire marshal or his representative with respect to the origin or cause or supposed origin or cause of the fire may not be admitted in evidence in or made the basis of a civil action for damages.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.019. COOPERATION WITH OTHER FIRE PROTECTION AGENCIES. (a) The county fire marshal shall enforce all state and county regulations that relate to fires, explosions, or damages of any kind caused by a fire or explosion.

(b) The county fire marshal shall coordinate the work of the various fire-fighting and fire prevention units in the county. On request, the county fire marshal may assist a rural fire prevention district or emergency services district located wholly or partially in the county to accomplish its powers and duties.

(b-1) If the commissioners' court establishes procedures for firefighter certification under Subsection (b), the commissioners' court must ensure that the procedures are at least as stringent as the minimum qualifications set by the

Texas Commission on Fire Protection under Section 419.032, Government Code. This subsection does not apply to a volunteer firefighter as defined by Section 419.001, Government Code.

(c) The county fire marshal or the county fire marshal's designee may perform as the incident commander in a major event if the incident commander of the responsible fire department consents. The county fire marshal may not enforce orders and decrees within a municipality in the county unless specifically required to do so by interlocal agreement and may act in a cooperative and advisory capacity there only on request.

(d) The county fire marshal shall cooperate with the state fire marshal to conduct fire prevention and fire-fighting activities or postfire investigations. The county fire marshal shall aid or conduct an investigation in a municipality if requested by the state fire marshal, the municipality, or the fire chief of the municipality.

(e) A county commissioner's court may authorize the fire marshal to provide training programs and operate a training facility for the various fire-fighting and fire prevention units in the county. The county may establish and collect a reasonable fee for the training programs, use of the facility, and services provided by the facility.

(f) The commissioners' court and county fire marshal may jointly adopt voluntary guidelines, including voluntary funding guidelines, for fire departments located in unincorporated areas of the county, including fire departments located within rural fire prevention districts or emergency services districts, regarding participation in the Texas Fire Incident Reporting System (TXFIRS) or the National Fire Incident Reporting System (NFIRS), or both.

The commissioners' court may establish model procedures for voluntary use by the various fire departments in the county with respect to:

- (1) emergency incident management;
- (2) firefighter certification; and
- (3) automatic mutual aid.

(g) If a commissioner's court authorizes a fire marshal to provide training programs and operate a training facility under Subsection (e), the fire marshal must ensure that the training programs and operation of the training facility are at least as stringent as the minimum qualifications set by the Texas Commission on Fire Protection under Section 419.032, Government Code. This subsection does not apply to a volunteer firefighter as defined by Section 419.001, Government Code.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 371, § 3, eff. Sept. 1, 2003.

§ 352.020. LIABILITY. The county fire marshal and the assistants and employees of the office are not liable in damages for any acts or omissions in the performance of their duties except in cases of gross negligence or willful malfeasance.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 352.021. CONTEMPT OF FIRE INVESTIGATION PROCEEDINGS. (a) A person commits an offense if the person is a witness in connection with an investigation under Section 352.015 and refuses to be sworn, refuses to appear and testify, or fails and refuses to produce before the county fire marshal any book, paper, or other document relating to any matter under investigation if called on by the marshal to do so.

(b) An offense under this section is a misdemeanor punishable by a fine of not more than \$2,000.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 371, § 4, eff. Sept. 1, 2003.

§ 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. An owner or occupant who is subject to an order issued under Section 352.016 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense. The offense is a Class B misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, in which event the offense is a state jail felony.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 371, § 5, eff. Sept. 1, 2003.

§ 352.023. EXEMPTION. This subchapter does not apply to a state agency that is authorized to prevent and extinguish forest and grass fires.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

## SUBCHAPTER C. FIREWORKS

§ 352.051. REGULATION OF RESTRICTED FIREWORKS. (a) For the purposes of this section the following definitions shall apply:

(1) "Restricted fireworks" means only those items classified under 49 C.F.R. § 173.100(r)(2) (10-1-86 edition), as "skyrockets with sticks" and "missiles with fins".

(2) "Drought conditions" shall mean the existence immediately preceding or during the fireworks season of a long-term deficit of moisture creating atypically severe conditions with increased wildfire occurrence as defined by the Texas Forest Service through the use of the Keetch-Byram Drought Index, or when such index is not available, through a comparable measurement which takes into consideration the burning index, spread component, or ignition component for that particular area.

(b)(1) The Texas Forest Service in the ordinary course of its activities shall determine whether drought conditions, as defined under Subsection (a)(2), exist

in all or part of any county requesting such determination. The Texas Forest Service shall make available the measurement index guidelines that determine whether a particular area is in drought condition. Following any determination that such drought conditions exist, the Texas Forest Service shall notify said county or counties when such drought conditions no longer exist.

(2) The Texas Forest Service shall be allowed to take such donations of equipment or funds as necessary to aid in the carrying out of this section.

(c) Upon a determination under this section that drought conditions exist within all or part of a specified county, the commissioners' court of such county by order may prohibit or restrict the sale or use of restricted fireworks in all or a portion of the unincorporated area of the county where drought conditions have been determined to exist. In addition, during the December fireworks season, the commissioners court of a county by order may restrict or prohibit the sale or use of restricted fireworks in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation.

(d) To facilitate compliance with an order adopted under Subsection (c), the order must be adopted before:

(1) June 15 of each year for the Fourth of July fireworks season;  
and

(2) December 15 of each year for each December fireworks season.

(e) An order issued under this section shall expire upon determination as provided under Subsection (b) that such drought conditions no longer exist.

(f) The county may designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of restricted fireworks is not prohibited. The safe area may be provided by the county, a municipality within the county, or an individual, business, or corporation. A safe area may be designated in and provided in the geographic area of the regulatory jurisdiction of a municipality if the activity conducted in the safe area is authorized by general law or a municipal regulation or ordinance. An area is considered safe if adequate public safety and fire protection services are provided to the area. A county, municipality, individual, business, or corporation is not liable for injuries or damages resulting from the designation, maintenance, or use of the safe area.

(g) A person selling any type of fireworks, including restricted fireworks, in a county that has adopted an order under Subsection (c) shall, at every location at which the person sells fireworks in the county, provide reasonable notice of the order and reasonable notice of any location designated under Subsection (f) as a safe area.

(h) An affected party is entitled to injunctive relief to prevent the violation or threatened violation of a requirement or prohibition established by an order adopted under this section.



(i) A person commits an offense if the person knowingly or intentionally violates a prohibition established by an order issued under this section. An offense under this subsection is a Class C misdemeanor.

Added by Acts 1991, 72nd Leg., ch. 865, § 1, eff. Sept. 1, 1991. Amended by Acts 1995, 74th Leg., ch. 500, § 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 1399, § 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1244, § 1 to 3, eff. Sept. 1, 1999. Renumbered from § 240.904 by Acts 2001, 77th Leg., ch. 1420, § 12.004, eff. Sept. 1, 2001.

## SUBCHAPTER D. OUTDOOR BURNING

§ 352.081. REGULATION OF OUTDOOR BURNING. (a) In this section, "drought conditions" means the existence of a long-term deficit of moisture creating atypically severe conditions with increased wildfire occurrence as defined by the Texas Forest Service through the use of the Keetch-Byram Drought Index or, when that index is not available, through the use of a comparable measurement that takes into consideration the burning index, spread component, or ignition component for the particular area.

(b) On the request of the commissioners' court of a county, the Texas Forest Service shall determine whether drought conditions exist in all or part of the county. The Texas Forest Service shall make available the measurement index guidelines that determine whether a particular area is in drought condition. Following a determination that drought conditions exist, the Texas Forest Service shall notify the county when drought conditions no longer exist. The Texas Forest Service may accept donations of equipment or funds as necessary to aid the Texas Forest Service in carrying out this section.

(c) The commissioners' court of a county by order may prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in all or part of the unincorporated area of the county if:

(1) drought conditions have been determined to exist as provided by Subsection (b); or

(2) the commissioners' court makes a finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning.

(d) An order adopted under this section must specify the period during which outdoor burning is prohibited or restricted. The period may not extend beyond the 90th day after the date the order is adopted. A commissioner's court may adopt an order under this section that takes effect on the expiration of a previous order adopted under this section.

(e) An order adopted under this section expires, as applicable, on the date:

(1) a determination is made under Subsection (b) that drought conditions no longer exist; or

(2) a determination is made by the commissioners' court that the circumstances identified under Subsection (c)(2) no longer exist.

(f) This section does not apply to outdoor burning activities:

(1) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for:

(A) firefighter training;

(B) public utility, natural gas pipeline, or mining operations;

or

(C) planting or harvesting of agriculture crops; or

(2) that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code. (g) Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by an order adopted under this section. (h) A person commits an offense if the person knowingly or intentionally violates a prohibition or restriction established by an order adopted under this section. An offense under this subsection is a Class C misdemeanor.

Added by Acts 1999, 76th Leg., ch. 1435, § 1, eff. Aug. 30, 1999. Amended by Acts 2001, 77th Leg., ch. 1185, § 1, eff. Sept. 1, 2001. Renumbered from § 240.906 by Acts 2001, 77th Leg., ch. 1420, § 12.004, eff. Sept. 1, 2001.

## SUBCHAPTER E. GATED MULTI-UNIT HOUSING PROJECTS

§ 352.111. HOUSING PROJECT SUBJECT TO SUBCHAPTER. This subchapter applies only to a multi-unit housing project located outside municipal boundaries in an area not already subject to municipal regulations regarding vehicular or pedestrian gates.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.112. DEFINITION. In this subchapter, "multi-unit housing project" means an apartment, condominium, or town home project that contains two or more dwelling units.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.113. COUNTY AUTHORITY TO REGULATE VEHICULAR OR PEDESTRIAN GATES TO MULTI-UNIT HOUSING PROJECTS. To assure reasonable access for fire-fighting vehicles and equipment, emergency medical services vehicles, and law enforcement officers, a county may require the owner or the owners association of a multi-unit housing project to comply with this subchapter.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.114. LOCKBOX REQUIREMENTS. (a) Each vehicular gate to the multi-unit housing project must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, or code to open the gate or a key switch or cable mechanism that overrides the key, card, or code that normally opens the gate and allows the gate to be opened manually.

(b) If there are one or more pedestrian gates to the multi-unit housing project and no vehicular gate, at least one pedestrian gate must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, code, key switch, or cable mechanism to open the gate.

(c) If different pedestrian gates are operated by different keys, cards, or codes, the lockbox must contain:

(1) each key, card, or code, properly labeled for its respective gate;

or

(2) a single master key, card, or code or a key switch or cable mechanism that will open every gate.

(d) Access to a lockbox required by this section shall be limited to a person or agency providing fire-fighting or emergency medical services or law enforcement for the county.

(e) If a gate is powered by electricity, it must be possible to open the gate without a key, card, code, or key switch if the gate loses electrical power.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.115. ADDITIONAL ACCESSIBILITY REQUIREMENTS. (a) In a multi-unit housing project that has one or more vehicular gates:

(1) at least one vehicular gate must be wide enough for fire-fighting vehicles, fire-fighting equipment, emergency medical services vehicles, or law enforcement vehicles to enter; and

(2) at least one driveway apron or entrance from the public right-of-way must be free of permanent obstacles that might impede entry by a vehicle or equipment listed in Subdivision (1).

(b) The county fire marshal or other authority shall waive the vehicular gate width requirements of Subsection (a) for a multi-unit housing project completed before January 1, 2002, if the requirements cannot readily be met because of space limitations or excessive cost. For purposes of this subsection, \$6,000 per entrance based on the value of the dollar on January 1, 2000, is considered an excessive cost for expanding gate width and achieving an obstacle-free driveway apron or entrance.

(c) A pedestrian gate in a multi-unit housing project must be located so as to provide firefighters, law enforcement officers, and other emergency personnel reasonable access to each building.

(d) This section does not require a multi-unit housing project to have a vehicular gate or a pedestrian gate.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.116. BUILDING IDENTIFICATION. A county may require each residential building in a multi-unit housing project to have a number or letter in a contrasting color on the side of the building and placed so that the number or letter can be seen from the vehicular driving areas by a responding emergency agency.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.117. COUNTY AUTHORITY TO REQUIRE PERMIT. (a) A county may require the owner or the owners association of a multi-unit housing project to obtain a permit from the county fire marshal or other authority with fire-fighting jurisdiction in the county to ensure compliance with this subchapter.

(b) A permit may be issued under this subchapter only if the requirements of this subchapter and standards adopted under this subchapter are met.

(c) To pay for the cost of administering the permits, the county may collect a one-time fee not to exceed \$50 from each person to whom a permit is issued under this section.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.118. SUSPENSION OR REVOCATION OF LICENSE. (a) A permit issued under this subchapter may be suspended or revoked for violation of this subchapter or a regulation adopted under this subchapter after notice and a hearing on a complaint by the county fire marshal or other authority having jurisdiction for fire fighting, emergency medical service, or law enforcement. The hearing shall be held by the commissioners' court of the county or by a person or entity designated by the commissioners' court.

(b) A permit may be reinstated or a new permit issued if each violation that is a ground of the complaint is corrected within the time prescribed by the entity that holds the hearing.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.119. LIMITATION ON SPECIFIC COUNTY STANDARDS. (a) A county may not impose under this subchapter specific standards relating to vehicular gate widths, obstacle-free driveway aprons or entrances, pedestrian gate locations, or building numbers that exceed the requirements for new multi-unit housing projects contained in the municipal ordinances of:

(1) the municipality within whose extraterritorial jurisdiction the multi-unit housing project is located; or

(2) the municipality nearest, on a straight line, to the boundary of the multi-unit housing project, if the project is not within the extraterritorial jurisdiction of a municipality.

(b) The county fire marshal or other authority with fire-fighting jurisdiction may adopt reasonable standards relating to vehicular gate width, obstacle-free driveway aprons or entrances, pedestrian gate locations, and building numbers if the appropriate municipality described by Subsection (a) has not adopted applicable standards.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

§ 352.120. OFFENSE. A person who violates this subchapter or a regulation adopted under this subchapter in a county that requires compliance with this subchapter under Section 352.113 commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 2001, 77th Leg., ch. 111, § 1, eff. Sept. 1, 2001.

GOVERNMENT CODE

CHAPTER 661. LEAVE

§ 661.905. VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES VOLUNTEERS. (a) In this section, "emergency medical services volunteer" has the meaning assigned by Section 773.003, Health and Safety Code.

(b) A state employee who is a volunteer firefighter or an emergency medical services volunteer is entitled to a leave of absence without a deduction in salary to attend fire service or emergency medical services training conducted by a state agency or institution of higher education. Leave without a deduction in salary under this subsection may not exceed five working days in a fiscal year.

(c) A state agency or institution of higher education may grant leave without a deduction in salary to a volunteer firefighter or an emergency medical services volunteer for the purpose of allowing the firefighter or emergency medical services volunteer to respond to emergency fire or medical situations if the agency or institution has an established policy for granting that leave.

Added by Acts 1999, 76th Leg., ch. 279, § 19, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 343, § 1, eff. Sept. 1, 2001.