

CITY OF WILLOW PARK

ORDINANCE NO. 512-04

AN ORDINANCE AMENDING CHAPTER 5 "FIRE PROTECTION" OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WILLOW PARK BY ADDING ARTICLE 5.600 "FIRE DEPARTMENT" AND RELATED SUBSECTIONS; PROVIDING AUTHORITY FOR THE DEPARTMENT, DESIGNATING A FIRE CHIEF AND OTHER FUNCTIONS; AND AMEND ARTICLE 5.200 "OFFICE OF THE FIRE MARSHAL", SECTION 5.201 "OFFICE OF THE FIRE MARSHAL CREATED" TO CONFORM WITH THE PROVISIONS OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City, may for the purpose of preventing calamitous fires and provide for the general safety of the citizens, adopt certain rules, regulations that the governing body considers necessary pursuant to §342.003 TEX. LOCAL GOV'T CODE; and

WHEREAS, the governing body of the municipality may organize a fire department with a fire chief as the chief administrative officer and prescribe the powers and duties of the fire department and its officers pursuant to delegated authority of §342.004, TEX. LOCAL GOV'T CODE; and

WHEREAS, the City of Willow Park did enter into an Interlocal Cooperation Agreement (Agreement) to provide fire protection and emergency services by the Willow Park Fire Department in and for the City of Willow Park, Parker County, Texas on or about April 15, 2003; and a manner and means of efficiently providing for the performance of the contractual terms should be provided; and

WHEREAS, the City of Willow Park to provide for supervision and administration of the Agreement to respond to the scene of fires or other emergencies involving the protection of a life or property, or any part thereof, does find a need to provide assistance to Willow Park Volunteer Fire Department with part-time response personnel, timely dispatch and coordination of fire protection equipment where the

Volunteer Fire Department is acting on the City's behalf.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORITY

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

The following Chapter is hereby amended.

"Chapter 5, - "FIRE PROTECTION" is amended as follows, by adding:

ARTICLE 5.600 FIRE DEPARTMENT

§5.601 Fire Department

- (a) The City shall have the authority to establish a Fire Department within the City and to cooperate with any person or other governmental body, association, or corporation in operation of the Fire Department and under such terms as the City Council may prescribe.
- (b) The Fire Department is to provide a means for protection against fire, conflagration or other emergencies and shall have the authority to enforce any agreement to provide fire protection to or for the City through an Agreement or contract with a volunteer fire department or other fire fighting entity.

§5.602 Fire Chief

- (a) The office of Fire Chief is created.
- (b) The Fire Chief shall be the chief administrative officer of the Fire Department. The Fire Chief shall be fully responsible to the City Administrator for the administration of the department and for carrying out enforcement of resolutions and ordinances of the City Council relating to the Fire Department. He may be removed from office by the City Administrator. He shall, with the approval of the City Administrator, appoint and remove fire protection personnel if they are not permanent, fully paid or full time department employees.
- (c) All members of the Fire Department shall be part-time, auxiliary, support staff or civilian and shall be under the command of the Fire Chief and subject to the laws of this state, city and provisions of this chapter.
- (d) Fire Marshal. The fire marshal and deputy fire marshal report directly to the Fire Chief.

SECTION 3. AMENDMENT TO ARTICLE 5.200
"OFFICE OF FIRE MARSHAL"

The following section is hereby amended, as follows:

ARTICLE 5.2000 "Office of Fire Marshal" §5.201 "Office of Fire Marshal Created" is amended, as follows:

§5.201 Officer of First Marshal Created

- (a) The office of fire marshal is hereby created. Such office shall include the fire marshal and may include a deputy fire marshal. ~~It shall be independent of other city departments, supervised by the mayor.~~ The fire marshal and deputy will be appointed by the mayor, with the consent of the city council and serve at the pleasure of the city council.
- (b) The fire marshal is charged with the duties set forth in this Chapter or as it may be from time to time amended. If the position of deputy

fire marshal is filled, the deputy will assist with duties of the fire marshal and shall also have oversight and review of any fire department or association serving the city, to assure its efficiency of operation, technical training, professional qualifications, and compliance with state or local regulatory standards, if the fire department or association receives funds, in any manner, through the city.

SECTION 4. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 5. REPEALER

To the extent any other ordinance or resolution is inconsistent with the provisions herein it is hereby repealed and superceded by the provisions herein.

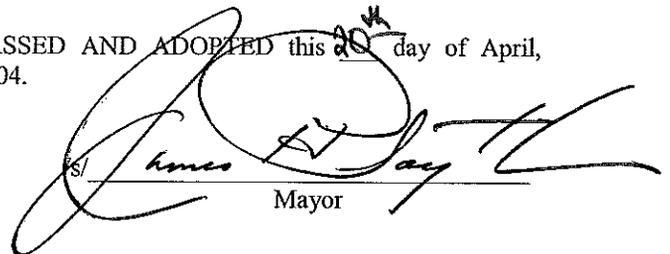
SECTION 6. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its adoption.

PASSED AND ADOPTED this 20th day of April, 2004.



Mayor

ATTEST:

/s/ *Candice Weaver*
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ *[Signature]*
City Attorney

The Willow Park City Council in acting on Ordinance No. 512-04, did on the 20th day of April 2004 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	_____	_____
Terry Skaggs, Place 2	_____✓	_____
Brad Johnson, Place 3	_____✓	_____
Jason Ellerbusch, Place 4	_____✓	_____
Marvin Glasgow, Place 5	_____✓	_____