

CITY OF LAVON, TEXAS
ORDINANCE NO. 2019-02-02

Lavon Volunteer Fire Department – Organizational Update

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING ARTICLE 2.04, “DEPARTMENTS OF THE CITY”; ARTICLE 6.02, “VOLUNTEER FIRE DEPARTMENT” OF THE CODE OF ORDINANCES; AND ARTICLE VII “OFFICER AND MEMBER QUALIFICATIONS” OF THE BYLAWS OF THE LAVON VOLUNTEER FIRE DEPARTMENT, AS AMENDED TO UPDATE THE POTENTIAL ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT; PROVIDING A PENALTY; PROVIDING REPEALINGS, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (the “City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, since June 2018, when the City Council re-established the Lavon Volunteer Fire Department (LVFD) and named a Volunteer Fire Chief, the LVFD has consistently and professionally responded to emergency calls; and

WHEREAS, the City Council finds that it is in the best interest of the City and citizens to update the potential organizational structure of the LVFD to provide for fire protection, rescue-emergency medical services and for protecting and improving the quality of life, health and welfare of the community as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAVON, COLLIN COUNTY, TEXAS:

SECTION 1: FINDINGS INCORPORATED.

The findings set forth above are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

SECTION 2: AMENDMENTS.

- A. Chapter 2, “Administration and Personnel”, Article 2.04 “Departments of the City”, of the Code of Ordinances is hereby amended as follows (with deletions in strikethrough text and additions in underline).

Section 2.04.002 Statutory departments

The statutory departments of the city are:

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(7) The fire ~~marshal's office~~ department; and

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Sec. 2.04.031 Generally

(a) The public safety departments shall consist of the police department and the fire department.
~~marshal's office.~~

(b) The chief of police shall be responsible for direct supervision of the police department and the fire chief shall be responsible for direct supervision of the fire department.

~~(1) The police department; and~~

~~(2) The fire marshal's office.~~

(c) The chief of police and fire chief shall work under the supervision and direction of the city administrator.

(d) Fire inspection and plan review services shall be under the supervision and direction of the city administrator.

~~Sec. 2.04.033 Fire marshal's office~~

~~(a) The city hereby confirms and clarifies the fire marshal's office for the city.~~

~~(b) The fire marshal shall possess and maintain all certifications required to serve as a certified firefighter and sworn fire marshal in the state.~~

Sec. 2.04.035 Fire chief marshal

(a) The city hereby confirms and clarifies the position of fire chief marshal for the city.

(b) The fire chief marshal shall be a full-time exempt at-will position.

(c) Duties.

(1) Respond to and take command of fire and medical scenes.

(2) Advise the city administrator on administrative procedures to increase the effectiveness and efficiency of the fire department according to current best practices in local government for fire departments.

(3) Represent the city in matters involving the fire department.

(4) Establish and maintain procedures to facilitate communications between citizens concerning matters related to the public safety departments.

(5) Establish and enforce administrative rules for the fire department.

(6) Coordinate, manage and direct the work of firefighters and staff in the fire department in accordance with applicable federal, state and local laws, rules and regulations, including, without limitation, city policies and procedures and bylaws of the department.

(7) Recruit, hire, evaluate, promote, discipline or terminate firefighters or staff in the fire department consistent with the city personnel manual and bylaws of the department.

(8) Participate in the preparation of and administer the budget of the fire department as adopted by the city council and donations in support of the volunteer fire department.

(9) Seek out and apply for grants for the city so long as matching funds are not a requirement. If matching funds are a requirement of the grant, approval of the city council to proceed must be obtained prior to application.

(10) Solicit and accept donations on behalf of the city as allowed by law.

(11) Negotiate contracts and agreements for the city, with all such contracts or agreements being subject to the approval of the council.

(12) Ensure that firefighters receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by firefighters to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.

(13) Keep the city council regularly informed about the activities of the fire department.

~~(1) — Review land use plans and applications for fire safety.~~

~~(2) — Review commercial construction plans for fire safety.~~

~~(3) — Review residential construction plans that contain fire sprinkler systems.~~

~~(4) (14) Review applications for controlled access entries for fire safety.~~

~~(5) (15) Investigate and report any fire hazard within the city.~~

~~(6) — Conduct routine fire safety inspections.~~

~~(7) — Coordinate fire services with the fire department.~~

~~(8) (16) Provide fire safety training and public education relating to fire safety, fire prevention and awareness.~~

~~(9) — Provide public education relating to fire safety, fire prevention and awareness. (10) — Perform code enforcement duties.~~

~~(10) (17) Serve as the city's emergency manager.~~

~~(12) — Perform other duties as assigned.~~

Sec. 2.04.036 Duties of chief of police

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(b) The chief of police shall have the authority and responsibility to:

...

(13) Work closely with the fire ~~chief marshal~~ to ensure that employees of the public safety departments receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by public safety departments employees to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.

...

- B. Chapter 6, "Fire Prevention and Protection", Article 6.02, "Volunteer Fire Department" of the Code of Ordinances is hereby amended as follows (with deletions in strikethrough text and additions in underline).

Sec 6.023.03 Membership and appointment

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(c) The positions of firefighters and officers ~~and the chief~~ of the fire department shall be volunteer positions and will not be considered employees of the city.

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- C. Article VII, "Officer and Member Qualifications" of the Bylaws of the LVFD is hereby amended as follows (with deletions in strikethrough text and additions in underline):

Section 1: Officer (minimum) Qualifications

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~~Volunteer~~ Fire Chief

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SECTION 3: PENALTIES.

It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not to exceed Five Hundred No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. For purposes of this paragraph of this section, allegation and evidence of a culpable mental state is not required for the proof of an offense under this Ordinance.

Notwithstanding the foregoing, it shall be unlawful for any person, firm, corporation, or other business entity who intentionally, knowingly, or recklessly violates any provision of this Ordinance regarding fire safety or public health shall be fined, upon conviction, in an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: SEVERABILITY.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lavon hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: SAVINGS/REPEALING CLAUSE.

The Lavon Code of Regulations shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 5th day of February, 2019.

Vicki Sanson
Mayor



ATTEST:

Kim Dobbs
City Administrator | City Secretary