

ORDINANCE #220301-01

DESIGNATION OF FIRE LANES

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, BY THE CITY COUNCIL TO AMEND CHAPTER 5 OF THE FIRE PREVENTION AND PROTECTION CODE OF ORDINANCES TO ADD AND INCLUDE FIRE LANE REGULATIONS, PROVIDING FOR: A FINDING OF FACT; POPULAR NAME; PURPOSE; DEFINITIONS; REQUIREMENTS; IMPOUNDMENT AND OR REMOVAL; INVESTIGATION AND ENFORCEMENT INCLUDING PENALTY; SEVERABILITY; REPEAL CLAUSE; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Big Lake ("City") has determined the necessity to allow for designated fire lanes within the city limits of Big Lake that will ensure access to fire apparatuses used for safeguarding from fire hazards when emergencies arise, and;

WHEREAS, the City Council recognizes that joint efforts between the City and Reagan County Fire Department is crucial to ensure public health and safety and general welfare within the City is achieved, and;

WHEREAS, the City Council recognizes a City Council has no authority to designate a public street as a fire lane per the adopted 2009 International Fire Code, allowing the intent and validity of a fire lane be determined by the local fire code official, and;

WHEREAS, fire lanes will be designated by the Fire Chief of the Reagan County Fire Department, and;

WHEREAS, the City; and pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

NOW THEREFORE, be it ordained by the City Council of the City of Big Lake, Texas, County of Reagan, State of Texas that:

SECTION 1.0: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Big Lake and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0: POPULAR NAME

This Ordinance shall be commonly referred to as "Designation of Fire Lanes".

SECTION 3.0: PURPOSE

The purpose and intent of this Ordinance is to establish policies and guidelines for enforcement of designated fire lanes in order to provide safety, and protection within the City limits.

SECTION 4.0: DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- 4.1 **CITY**: the City of Big Lake, Texas, a municipal corporation and political subdivision within the County of Reagan, within the State of Texas.
- 4.2 **CITY COUNCIL**: the governing body of the City of Big Lake, Texas.
- 4.3 **FIRE LANE**: as used in the Ordinance, shall mean the area within any public right-of-way, or other passage way designated to allow for fire trucks and other firefighting or emergency equipment to use, travel upon and/or park to access such buildings in case of fire or other emergencies.
- 4.4 **ORDINANCE**: this ordinance establishing areas designated as fire lanes.
- 4.5 **PARK OR PARKING**: when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.
- 4.6 **PERSON**: an individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

SECTION 5.0 DESIGNATED FIRE LANES

Fire lanes in conformance with this Ordinance shall be established by the fire chief for the City. These lanes shall be referred to as “designated fire lanes”.

- 5.1 Current Fire Lanes listed below meet all requirements and are enforceable:
 - (a) North side of Twelfth Street from Georgia Ohio Avenue to Louisiana Avenue.

SECTION 6.0 MARKING OF FIRE LANES

All fire lanes on a public street shall be clearly marked as directed by the Fire Chief.

- 6.1 All curbs of fire lanes must be painted red and conspicuously and legibly marked with the warning “Fire Lane/No Parking” in white letters at least three inches (3”) tall , at intervals not exceeding fifty feet (50’).
- 6.2 Signs shall be reflective in nature and face the direction of vehicular travel. Top of sign may not be less than four feet (4’) and no more than six feet (6’) from ground level.

SECTION 7.0 PARKING PROHIBITED

The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and can be an immediate hazard to life and property.

SECTION 8.0 GENERAL POLICIES

- 8.1 It is unlawful for any person, without lawful authority, to tamper with, damage or destroy any signs, curbs or pavement markings designating a fire lane under the terms of the ordinance.
- 8.2 No owner, manager or person in charge of any premises served by a required fire lane shall close designated fire lanes without permission of the Fire Chief.
- 8.3 Maintenance of the fire lane markings and/or signage will be maintained at the expense of the City as often as deemed necessary to clearly identify the designated area as a fire lane.

SECTION 9.0 IMPOUNDMENT/REMOVAL OF VEHICLES

- 9.1 Any vehicle or object obstructing a designated fire lane is hereby declared a traffic and fire hazard and may be immediately impounded pursuant to the applicable state law, and International Fire Code, without prior notification to its owner or operator.
- 9.2 Pursuant to state law, the owner may be held responsible for expense of removal and storage of a vehicle or object obstructing a fire line.

SECTION 10.0 INVESTIGATION:

- 10.1 Investigation findings and determinations for penalty are enforced by local law enforcement officers.
- 10.2 The information showing the name of the person to whom the auto vehicle license is issued shall constitute prima facie evidence of ownership by the named person. Evidence of a vehicle parked in a fire lane shall give rise to a rebuttable presumption that said registered owner parked said vehicle in the fire lane.

SECTION 11.0 PENALTY:

Any person, firm or corporation violating any provisions of this Ordinance or failing to observe any provisions hereof, shall upon conviction, be fined a sum of not less than \$10.00, nor more than \$200.00. A separate offense shall be deemed committed on each day any violation occurs or continues.

SECTION 12.0 SEVERABILITY:

If any section, subsection, clause, phrase, or sentence of this Ordinance or the application thereof by any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance to other persons and circumstances.

SECTION 13.0 REPEAL CLAUSE

All Ordinances and Resolutions of the City of Big Lake, Texas, in conflict herewith are hereby expressly repealed.

EACH and every provision of this ORDINANCE has been duly voted on and approved by the City Council, and all Ordinances in conflict herewith are hereby repealed from and after its passage as provided by law.

This Ordinance shall take effect upon completion of publication as provided by law.

INTRODUCED AND APPROVED ON THE 1st DAY OF MARCH, 2022, AND

PASSED AND ADOPTED ON THE 15th DAY OF MARCH, 2022; by a vote of

5 (ays) to 0 (nays) and 0 (abstentions) of the City Council of the City of Big Lake, Texas.

~~CITY OF BIG LAKE~~


Phil Pool - Mayor

ATTEST:


Sheri Benson – City Administrator