

ORDINANCE NO. 2026-05

AN ORDINANCE ESTABLISHING THE OFFICE OF THE CITY FIRE MARSHAL FOR THE CITY OF COLDSRING, TEXAS; PRESCRIBING THE APPOINTMENT, QUALIFICATIONS, POWERS, AND DUTIES OF THE FIRE MARSHAL; PROVIDING FOR FIRE INVESTIGATIONS AND INSPECTIONS; PROVIDING A CUMULATIVE OR REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Coldspring, Texas, is a Type A general-law municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council finds it necessary and expedient for the preservation of public safety, health, and welfare to establish an official City Fire Marshal to regulate fire safety and investigate fires;

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

Section 1: Office Created

The Office of the City Fire Marshal is hereby created for the City of Coldspring, Texas.

Section 2: Appointment and Qualifications

1. **Appointment:** The Fire Marshal shall be appointed by the City Council [or by the Fire Chief with the approval of the City Council, depending on local structure] and shall serve at the pleasure of the governing body.
2. **Qualifications:** The Fire Marshal shall meet all training, certification, and licensing requirements mandated by the State of Texas and the [Texas Commission on Fire Protection \(TCFP\)](#).

Section 3: Adoption of Fire Code

The City of Coldspring hereby adopts the 2021 edition of the International Fire Code (IFC), including local amendments, and authorizes the Fire Marshal to enforce all provisions thereof, along with applicable NFPA standards and state fire-safety regulations.

Section 4: Powers and Duties

The Fire Marshal shall have the following duties and powers:

- **Fire Investigation:** To investigate the cause, origin, and circumstances of every fire occurring within the city limits resulting in property destruction or damage, determining whether it was caused by carelessness or design.
- **Code Enforcement:** To enforce all city ordinances and adopted state codes relating to fire prevention, hazardous materials, and life safety.
- **Inspections:** To conduct periodic inspections of buildings, premises, and commercial structures to identify and eliminate fire hazards.

Section 5: Right of Entry

The Fire Marshal, or their authorized designee, is empowered to enter any building or premises within the city limits at any reasonable hour—or at any time during an emergency—when necessary, in the performance of official duties related to fire investigations, inspections, or hazard abatement.

Section 6: Enforcement Authority

The Fire Marshal is authorized to:

- Issue notices of violation
- Issue citations for violations of the adopted fire code or city ordinances
- Order hazard abatement
- Order evacuation of unsafe structures
- Suspend or restrict operations presenting an imminent danger to life or property

These enforcement actions may be taken when conditions violate the adopted fire code or pose a threat to public safety.

Section 7: Fire Watch and Emergency Orders

The Fire Marshal may require a fire watch, impose temporary safety measures, or order the shutdown of hazardous operations when conditions present an immediate risk to life or property.

Section 8: Plan Review and Permitting Authority

The Fire Marshal shall review and approve:

- Fire protection system plans
- Building plans affecting fire and life safety
- Permits for fireworks, special events, burn permits, and other activities regulated by the adopted fire code

No regulated activity may proceed without Fire Marshal approval.

Section 9: Records and Reports

The Fire Marshal shall keep a permanent office record of all fires, investigations, fire losses, and safety inspections, and shall submit required reports to state agencies as mandated by law.

Section 10: Penalties

Any person violating this ordinance or the adopted fire code may be subject to fines as authorized under Texas Local Government Code §54.001 and other applicable state laws.

Section 11: Cumulative Clause

This ordinance is cumulative of all other ordinances of the City of Coldspring unless expressly repealed.

Section 12: Severability Clause

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid, the remainder shall continue in full force and effect.

Section 13: Effective Date

This ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 3rd day of August, 2026.

A handwritten signature in blue ink, appearing to read "John Benestante", written over a horizontal line.

Mayor, City of Coldspring, Texas

ATTEST:

A handwritten signature in blue ink, appearing to read "Jodye Bar", written over a horizontal line.

City Secretary