

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 012-014

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AFFIRMING THE ONGOING AND CONTINUED EXISTENCE OF THE ADDISON FIRE DEPARTMENT; DESCRIBING THE POSITION OF FIRE CHIEF AND THE DUTIES AND RESPONSIBILITIES THEREOF, THE FIRE DEPARTMENT PERSONNEL, AND THE FIRE DEPARTMENT FUNCTIONS AND DUTIES; AMENDING THE CODE OF ORDINANCES OF THE TOWN BY ADDING A NEW SECTION 38-55 TO INCLUDE PROVISIONS RELATING TO THE FOREGOING; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) is a home rule municipality pursuant to article 11, section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, Section 342.001 of the Texas Local Government Code authorizes a home rule municipality to provide for a fire department; and

WHEREAS, the City has heretofore provided for a fire department administered by a fire chief, as recognized annually through the City’s budget processes and in numerous ordinances and provisions of the City’s Code of Ordinances, and the City Council desires to adopt this Ordinance that affirms the same.

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

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (the “City”) is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby:

A. Chapter 38 (Fire Prevention and Protection), Article III (Fire Department Generally) is hereby amended by adding a new Section 38-55 to read as follows:

**Section 38-55. Fire Department; Fire Chief; Personnel; Functions.**

(a) The fire department of the town, heretofore provided for and existing, is affirmed.

(b) The fire chief is and shall be the administrative and operational head of the fire department. The fire chief is and shall be appointed by the city manager, and serves at the will and pleasure of the city manager. The fire chief is shall be responsible for the proper administration and operation of the fire department, subject to the approval of the city manager or the city manager’s designee.

(c) The fire department is and shall be composed of the fire chief, qualified fire and emergency medical personnel approved by the fire chief who have complied with all the rules, regulations and orders for the conduct and control of the members thereof, and such other personnel as may be deemed necessary by the fire chief.


(d) The functions and duties of the fire department are and shall include, but not be limited to, the fighting of fires, the providing of emergency rescue and emergency medical services; the providing of general, prevention arson investigation, and specific fire prevention services and enforcement; and all related activities that may be prescribed from time to time by the city manager or the city manager's designee.

Section 3. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance shall be declared unconstitutional or unlawful by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph or section.

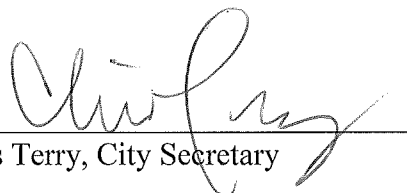
Section 4. Savings Clause. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any and all ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the 22<sup>nd</sup> day of May, 2012.

  
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Todd Meier, Mayor

ATTEST:

By:   
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Chris Terry, City Secretary

APPROVED AS TO FORM:

By:   
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John Hill, City Attorney