



State of Texas
House of Representatives

1424

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MAR 29 2000

March 23, 2000

MAR 28 2000

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OPINION CO.

The Honorable John Cornyn
Office of the Attorney General
209 W. 14th St.
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Austin, Texas 78711-2548

RQ-0209-JC

FILE # Mh-41336-00
I.D. # 41336

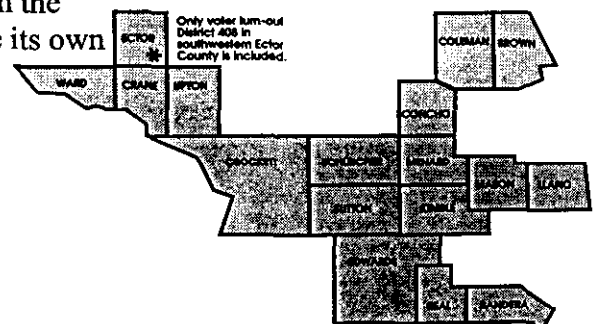
Dear General Cornyn:

This letter is to request an Attorney General Opinion concerning the Tex. Health & Safety Code, section 775.036. In the 76th Legislative Session, this code was amended to read,

(b) The board [of an emergency services district] may adopt and enforce a fire code, including fines for any violations, that does not conflict with a fire code adopted by another political subdivision that also contains within its boundaries any portion of the land contained in the district... The board may not enforce the district's fire code within the boundaries of a municipality that has adopted a fire code...

In the near future, the Travis County Emergency Services District No. 6 (ESD) intends to enact a fire code in conformance with section 775.036. The language of amended subsection (b) 775.036 raises the following issues:

(1) Must a fire code adopted by the ESD be free of conflict with any and all codes adopted by any municipalities located in whole or in part in the territory of the ESD, even though the ESD may not enforce its own free code in such municipalities?



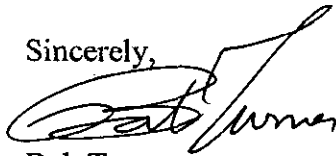
DISTRICT 73

(2) If the ESD adopts a fire code, and Travis County later adopts a fire code that conflicts with the code adopted by the ESD, is the ESD's fire code thereby rendered invalid or unenforceable, whether wholly or only to the extent of such conflict?

(3) If a municipality located in whole or in part in the territory of the ESD adopts or amends its fire code to be in conflict with the fire code adopted by the ESD, is the ESD's fire code thereby renders invalid or unenforceable in whole or to the extent of such conflicts?

(4) May the ESD include it its fire code regulations of fire alarms and false alarms that is either consistent with or in conflict with the provisions of Tex. Loc. Government Code Chapter 237, providing for county regulation on alarm systems?

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Turner", with a stylized flourish extending upwards and to the right.

Bob Turner

cc: State Representative Terry Keel
Doug Young