

On motion by Councilman Fonseca, and seconded Councilman <TWO>, the following ordinance was introduced:

ORDINANCE 1536

An Ordinance of the Westwego City Council Amending Chapter 16 – Fire Prevention and Protection to Add Article V. Fire and Arson Investigation Sec.16-114– Authority Generally; Authority to Enter and Examine.

WHEREAS, the City of Westwego has interest in the health safety and welfare of its citizens and;

WHEREAS, the City of Westwego has an interest in and it is necessary to provide for the authority of the Westwego Fire Department to conduct fire investigations;

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Westwego, Louisiana, that the Code of Ordinances of the City of Westwego, Louisiana, is hereby amended as follows:

Chapter 16 – FIRE PREVENTION AND PROTECTION

ARTICLE V. FIRE AND ARSON INVESTIGATION

SEC. 16-114 AUTHORITY GENERALLY; AUTHORITY TO ENTER AND EXAMINE

Sec. 16-114 Fire and arson investigation — Authority generally; authority to enter and examine;

- (a) The Fire Chief and his authorized designee shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the Fire Department has a reasonable interest. When the Fire Chief, or his designee has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any material, substance, device, or utility in, or upon, any building or property where the emergency occurred until such time as the investigation of the incident is complete; provided, however, that the Westwego Police Department shall be the primary investigative agency in fires, explosions, and hazardous materials incidents involving critical injury, death, or assaults with intent to kill.
- (b) The Fire Chief, or his designee, or his authorized representative shall have the authority at all times, in performance of the duties imposed by the provisions of this section, to enter upon or examine any area, building or premises, vehicle or other thing when there is probable cause to believe that fires or attempts to cause fires exist or which at the time are burning. He shall have the authority to enter, at any time, any building or property adjacent to that on which the fire or attempt to cause fires occurred, should he deem it necessary in the proper discharge of his duties, and may, at his discretion, take full control and custody of such buildings and premises and place such person in charge thereof as he may deem proper until his examination and investigation shall be complete.

Provided that a majority of the Westwego City Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(C)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas:
Absent:

Nays:
Abstained:

WHEREUPON, the presiding officer declared the above ordinance duly adopted today, Monday, <DATE>.

John I. Shaddinger, Jr., Mayor

Maurice T. Bourgeois, Jr., City Clerk

I certify that I presented this ordinance to the Mayor on <DATE2>.

Maurice T. Bourgeois, Jr., City Clerk

I acknowledge receipt of this Ordinance from the City Clerk on <DATE2>.

John I. Shaddinger, Jr., Mayor

I hereby approve this ordinance today, <DATE2>.

John I. Shaddinger, Jr., Mayor

I certify that I received this ordinance from the Mayor on <DATE2>.

Maurice T. Bourgeois, Jr., City Clerk