

ORDINANCE NO. 2025-08-14-01
TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 5

**AN ORDINANCE TO ESTABLISH AND ADOPT A FIRE CODE FOR THE
PROTECTION OF THE PUBLIC, ESTABLISHING REGULATIONS PERTAINING
TO USE AND DEVELOPMENT OF REAL PROPERTY AND IMPROVEMENTS
FOR LIFE AND FIRE SAFETY, PROVIDING FOR PENALTIES FOR
VIOLATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
DATE.**

WHEREAS, the Commissioners of the District are authorized, pursuant to Tex. Health & Safety Code §775.036 to adopt and enforce a fire code; and

WHEREAS, the Commissioners of the District desire to adopt the Fire Code of Travis County Emergency Services District No. 5/Manchaca Fire Rescue based on the International Fire Code (2021 Edition) published by the International Code Council, Inc.

Now, therefore, it is **ORDAINED, RESOLVED, AND ORDERED** by the Commissioners of Travis County Emergency Services District No. 5 that:

Section 1: Adoption of Code

(a) The following are hereby incorporated herein by reference and together with this Ordinance shall constitute the Fire Code of Travis County Emergency Services District 5 / Manchaca Fire Rescue (hereinafter referred to as the "**District**"):

1. The International Fire Code (2021 Edition) promulgated by the International Code Council, Inc. and Appendices A, B, C, D, F, H, I and N, and Referenced Standards provided in Chapter 80 thereof, amended as provided in the attached amended International Fire Code (the "**Amended IFC**") which is incorporated in this Ordinance as though fully set out herein; and

2. The provisions of any section or appendix of an International Code (e.g., Building, Plumbing, Mechanical, Electrical, and other such codes) referred to in the Amended IFC, whether by direct reference, or by an internal reference in a section or provision directly referred in the Amended IFC, are incorporated in this Ordinance as though fully set out herein, and compliance with such provisions of such other International Codes is required to the extent and in the manner that compliance therewith is required or allowed in the Amended IFC.

(b) As used in this Ordinance, the term "**Fire Code**" shall refer to this Ordinance and the documents referred to in subsection (A) of this Section 1.

(c) Notwithstanding anything to the contrary in this Section 1, the prefatory provisions of pages 1 – 17 of the Amended IFC, ending with the Table of Contents, are adopted only for informational purposes, and shall not have the effect of law adopted by the District. The District recognizes the copyright of the International Code Council, Inc. to the International Fire Code (2021 Edition), and to each other international code or provision thereof that is incorporated herein by reference, subject to the District's license to use same as amended in the Amended IFC and to authorize the public to use same for the purpose of reference and compliance with the District's Fire Code.

Section 2: Administration

(a) The Fire Chief of the District, together with the Fire Code Official and an agent of the District designated by either of them are authorized to enforce this Fire Code, to take all actions required or authorized in the Fire Code, and to conduct all inspections, investigations, review all plans and accept all applications for a permit or approval authorized or required by the terms of the Fire Code.

(b) The Fire Chief, the Fire Code Official, or an agent of the District designated by either of them shall maintain monthly activity reports covering inspection, investigation, review, and enforcement activities conducted by the District. The Fire Chief or the agent of the District designated by the Fire Chief shall keep an accurate account of all fees, fines, and other funds collected and received pursuant to the Fire Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

(c) Approved plans, specifications, and other reports required by the Fire Code shall be maintained in the central offices of the District for a period of not less than five years, or as otherwise may be required by law, following the date such document was submitted to the District or prepared by the District, as applicable.

(d) The Fire Chief and the Fire Code Official are each authorized to publish informational bulletins and directives to the public to provide for uniform interpretations of provisions of the Fire Code, to provide particular procedures for submissions of applications and requests for approval, and to assist the public in compliance with the provisions of the Fire Code.

Section 3: Right of Entry

(a) Whenever necessary to make an inspection to enforce any of the provisions of the Fire Code for the prevention of fires and medical emergencies, or whenever the Fire Chief, the Fire Code Official, or the agent of the District their designated by either of them has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of the Fire Code, the Fire Chief, the Fire Code Official or the agent of the District designated by either of them may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed by the Fire Code on the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them; provided that if such building or premises is occupied, they shall first present proper credentials and request entry; and, except during construction of an improvement to be inspected, if such building or premises are unoccupied, the agent of the District shall make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If such entry is refused, the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them shall have recourse to every remedy provided by law to

secure entry.

(b) No owner or occupant or any other person having authority to control access to any building or premises shall fail or neglect, after request for entry is made as provided in this Section 3, to promptly permit entry therein by the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them for the purpose of inspection and examination pursuant to the Fire Code. Any person violating this section shall be guilty of a Class C Misdemeanor.

Section 4: Stop Work Orders

Whenever any work or construction is being done contrary to the provisions of the Fire Code or without any permit or approval required by the Fire Code, the Fire Chief, the Fire Code Official or the agent of the District designated by either of them may order the work or construction stopped by notice in writing served on any person(s) engaged in performing or causing such work to be performed. Whenever work or construction is stopped in accordance with this Section 4, a written notice to stop work issued by the District shall be posted on the property in a manner reasonably visible to any person attempting to perform any work on the property. All persons shall then cease all work or construction on the property until authorized to proceed by the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them. Any person failing to comply with a notice to stop work, or removing any notice to stop work from any premises without permission of the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them shall be guilty of a Class C Misdemeanor, as defined in Texas Penal Code 12.23. Permit fees, as published in the District's fee schedule, may be doubled, as determined by the Fire Chief to account for increased administrative expenses of the District, for projects where work is commenced prior to obtaining permit(s) required by this Fire Code.

Section 5: Permit Required/Procedure

(a) A permit shall be required for any of the following activities in the unincorporated territory of the District:

1. Any construction, enlargement, alteration, repair, move, demolition, or change in the occupancy classification of a building, structure, facility, or condition regulated by this Fire Code;
2. A Substantial Improvement to an existing structure or building;
3. The requirements of Chapter 11 of the Amended IFC shall apply to all existing structures and buildings;
4. A subdivision of land affected by the filing of an application for subdivision with the County of Travis or with a combined office between the County of Travis and any municipality in whose extraterritorial jurisdiction the subdivision is proposed to occur and located in the territory of the District that includes provision for one or more new road(s) or street(s) or the extension of

any existing road or street, either for private use by owners of one or more lot(s) in the subdivision for access to such lot(s), or intended for dedication to the public use; or

5. An activity or construction of improvements as required pursuant to Sections 105.5 and 105.6 of the Amended IFC.

(b) Notwithstanding anything to the contrary in subsection (a) of this Section 5, a permit shall not be required for the following activities:

1. Structures used for residential purposes and comprised of fewer than four separate Dwelling Units.

2. Site development for residential use comprised of a single-family structure, a duplex, or a triplex.

3. De minimis construction, enlargement, alteration, repair, movement, or demolition as determined by the Fire Code Official.

(c) An application for a permit shall be made on a form promulgated by the District and shall include all information necessary to evaluate compliance with all applicable provisions of the Fire Code, including construction drawings (in the format prescribed from time to time by the Fire Chief or Fire Code Official), together with information identifying the applicant, the owner of the affected property and such other information reasonably necessary for considering and acting on the application. All applications for any permit and all requests for any approval required by the terms of the Fire Code shall be submitted in writing to the central administrative offices of the District along with payment of the applicable fee.

(d) A permit authorizing construction, repair, alteration, relocation, removal, or demolition of an improvement shall expire 180 days after issuance of the permit unless the work permitted has commenced prior to such date, and such work continues without interruption until completed. Permits may be extended for one additional period of 180 days, as approved by the Fire Chief, the Fire Code Official, or an agent of the District designated by either of them if the applicant requests an extension prior to the expiration of the original permit.

(e) An operational permit for handling, storing, processing, or using any hazardous material or hazardous process shall expire 12 months after the date such permit was issued.

(f) Subject to the right of appeal provided in the Fire Code, the Fire Chief, the Fire Code Official or the agent of the District designated by either of them shall determine and decide the issuance of all permits and approvals, the duration of any use permit, subject to the maximum duration authorized by this Fire Code and compliance with all provisions of the Fire Code.

(g) A permit or approval shall be issued in cases where compliance with all applicable provisions of the Fire Code has been demonstrated. Not more than 30 days after all required information and application fees have been submitted, the Fire Chief, the Fire Code Official, or

the agent of the District designated by either of them shall approve an application for an activity that complies with applicable provisions of the Fire Code, deny an application for an activity that is not in compliance with applicable provisions of this Fire Code, or, in cases in which the Fire Code specifically gives the Fire Chief, the Fire Code Official, or the agent of the District designated by either of them the authority to allow alternate means of compliance, approve or deny any such alternate means of compliance.

Section 6: Identification of District, Commissioners, Fire Code Official, and Fire Code

(a) Whenever the terms "jurisdiction," "authority having jurisdiction," "department," or "department of fire prevention" are used in the Amended IFC, same shall be a reference to the District. Whenever the term "Fire Code Official" is used in the Amended IFC, the same shall be a reference to the District's Fire Chief, the District's designated Fire Code Official or an agent of the District designated by either of them, except that for the purpose of promulgating any regulation pursuant to IFC Section 104.1, the term "Fire Code Official" shall refer only to the District's Fire Chief or other designated authority charged with the administration and enforcement of the Fire Code, or a duly authorized representative pursuant to Section 103.2. All regulatory authority established by the provisions of the Amended IFC is established for the District.

(b) Any reference in the provisions of the Amended IFC to the "executive body" shall be a reference to the Board of Commissioners of the District.

(c) Any reference in the Amended IFC or in this Ordinance to the "Fire Code" or this "code" shall be a reference to the provisions of the Fire Code as that term is defined in this Ordinance, as same may be amended from time to time.

(d) Except to the extent otherwise defined in this Ordinance, terms used herein shall have the meaning provided in the Amended IFC.

Section 7: Building Official

Any provision in the Amended IFC or other provision incorporated in this Ordinance by reference that refers to any act to be referred to or conducted by a building official shall be a reference to the District's Fire Chief, the Fire Code Official, or the agent of the District designated by either of them.

Section 8: Permit Fees

The fees applicable for permits, approvals, inspections, and other actions for which a fee is payable shall be established and published from time to time by the Commissioners of the District in an Ordinance therefor.

Section 9: Appeals

A Board of Appeals shall be established pursuant to Section 111.1 and Appendix A of the Amended IFC.

Section 10: Offenses/Penalties

(a) A person commits an offense if the person: 1) undertakes any action or commences any construction or development for which a permit or approval is required pursuant to the Fire Code without first obtaining the requisite permit or approval; 2) uses or occupies any property, or affects the development or construction of any improvement to real property in the unincorporated territory of the District that is not in compliance with any condition of a permit or approval given pursuant to the Fire Code; 3) uses or occupies any property, or affects the development or construction of any improvement to real property in the unincorporated territory of the District that is not in compliance with any provision of the Fire Code except as allowed pursuant to any variance, modification or alternative means approved in a permit or approval given pursuant to the Fire Code; or 4) violates any other provision of the Fire Code.

(b) An offense described in Section 10(1) shall be a Class C Misdemeanor. A separate offense shall occur each day that a violation of the Fire Code continues.

(c) In addition to the criminal enforcement provisions of this section, A person who commits an offense described in subsection (a) of this Section 10 shall be liable for a civil penalty. The District shall be entitled to bring a civil action for the enforcement of the Fire Code in any court of competent jurisdiction, including an action to enjoin any violation of the Fire Code and to impose a civil penalty in an amount of up to \$200 per day that a violation continues.

Section 11: Conflicts

All District Ordinances that are in conflict with the provisions of the Fire Code are hereby repealed, and all other ordinances of the District not in conflict with the provisions of this Ordinance remain in full force and effect.

Section 12: Severability/Enforceability

(a) Should any section, subsection, sentence, clause, or phrase of the Fire Code or this Ordinance for any reason be held to be void or unenforceable, such decision shall not affect the validity of the remaining portions of the Fire Code. The Board of Commissioners hereby declares that each provision of the Fire Code is severable and that the Board of Commissioners would have adopted the Fire Code, and each section, subsection, clause, or phrase included therein or incorporated by reference, irrespective of the fact that any one or more of such sections, subsections, sentences, clauses, and phrases be declared void or unenforceable.

(b) Notwithstanding anything else to the contrary herein, in the event that applicable law,

including but not limited to the provisions of Texas Local Government Code Chapter 245, exempts from any provision of the Fire Code a project or development that is pending or existing on the effective date of this Ordinance, the most recent regulations adopted by the District that may lawfully be applied to such pending or existing project or development shall remain in effect for the purpose of regulating such project or development.

Section 17: Maintenance of Ordinance

A copy of this Ordinance together with all provisions incorporated herein and all published Information Bulletins, shall be maintained at the Administrative Offices of the District for inspection and use by interested persons. The District shall inform any person inquiring where copies of this Ordinance and all provisions incorporated in this Ordinance may be purchased from the publisher thereof. The Amended IFC shall be published on a website designated by the District and made viewable by the public without charge.

Section 18: Effective Date

The Fire Code shall be effective on October 1, 2025.

Passed and Approved the 14th day of August, 2025.



Reed Boyd
President
Travis County Emergency Services District 5

EXHIBIT A: Board of Appeals 2025-2027



2025-2027 BOARD OF APPEALS

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