

TRAVIS COUNTY EMERGENCY SERVICE DISTRICT NO. 12

ORDER NO. 16-05-10-V.I.

AN ORDER ADOPTING PORTIONS OF THE INTERNATIONAL FIRE CODE AND AMENDING THE EXISTING FIRE CODE OF THE DISTRICT; CONTINUING APPLICABLE PROVISIONS OF EXISTING AND PREVIOUS FIRE CODE OF DISTRICT; PROVIDING FOR FEES TO BE PAYABLE FOR PERMITS, APPROVALS AND INSPECTIONS; REQUIRING A PERMIT OR APPROVAL FOR CERTAIN HAZARDOUS USES AND ACTIVITIES; PROVIDING FOR CIVIL PENALTIES FOR VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE FIRE CODE AND AUTHORIZING THE FIRE CHIEF AND HIS/HER DESIGNEES TO ADMINISTER AND ENFORCE THE CODE; AUTHORIZING ENTRY ONTO PROPERTY TO CONDUCT INSPECTIONS; AUTHORIZING STOP WORK ORDERS FOR WORK PERFORMED IN VIOLATION OF THE FIRE CODE; PROVIDING FOR APPOINTMENT OF AN APPELLATE BODY AND FOR APPEALS FROM DECISIONS OF THE FIRE CHIEF; 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;

WHEREAS, the Commissioners of the District desire to adopt a fire code and to provide for its enforcement in furtherance of protecting the health and safety of those residing within the territory of the District and in furtherance of preventing fires and medical emergencies;

It is, therefore, ORDAINED, RESOLVED AND ORDERED that:

**Section 1. Adoption of Code**

(a) The following are hereby adopted as the Fire Code of Travis County Emergency Service District No. 12 in the State of Texas, except within the corporate limits of any municipality located in the territory of the District that has adopted a fire code, regulating and governing the safeguarding of life and property from fire, medical, and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each of all of the regulations, provisions, penalties; conditions and terms of said Fire Code on file in the office of the Travis County Emergency Service District No. 12 are hereby referred to, adopted and made a part hereof, as if fully set out in this Order, with the additions, insertions, deletions, and changes, if any, prescribed in this Order.

(1) The 2015 International Fire Code (the "IFC") and appendices B, C, D, & I and Index promulgated by the International Code Council, Inc.

(2) For the purpose of determining the types of construction referred in Appendix B and other relevant sections of the IFC, the definitions and descriptions of types of construction provided in chapter 6 of the 2015 International Building Code (the “IBC”) shall be used.

(3) Except as provided by Chapter 11 of the 2015 edition of the International Fire Code, published by the International Code Council, existing buildings, commercial establishments, and multi-family dwellings of four or more units in Travis County ESD 12 are governed by, and must continue to be maintained in accordance with, the fire code in effect at the earlier of the date that substantial improvement or construction began or a building permit or system permit was issued by Travis County for the structure, and those fire codes will remain in effect.

(b) The remaining provisions of this Order, together with all provisions incorporated in this Order by reference shall constitute the Fire Code of the District. Pursuant to Texas Health & Safety Code Section 775.036, it is the intent of this Fire Code of the District to not conflict with any fire code adopted by Travis County, and to the extent of any conflict between the Fire Code of the District and any fire code adopted by Travis County, the fire code adopted by Travis County shall prevail.

(c) This Order will, to the extent reasonable, be construed in a manner consistent with the International Fire Code. If there is a conflict between this Order and the International Fire Code, this Order will prevail.

## **Section 2. Administration**

(a) The Fire Chief of the District, together with such assistants and agents of the District as the Fire Chief may designate, are authorized to enforce this Order, to take all actions required or authorized in provisions incorporated in this Order by reference, and to conduct all inspections, review all plans, and accept all applications for a permit or approval authorized or required by the terms of this Order.

(b) The Fire Chief or his designated agent shall submit monthly activity reports to the Commissioners of the District, covering inspection, review, and enforcement activities conducted during the prior month. The Fire Chief or his designated agent shall keep an accurate account of all fees, fines, and other funds collected and received pursuant to this Order, 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 this Order shall be maintained in the central offices of the District for a period of not less than five years following the date such document was submitted to the District or prepared by the District, as applicable, or as otherwise permitted under the Texas Records Retention Act.

### **Section 3. Right of Entry**

(a) In addition to the authority allowed under the IFC, whenever necessary to make an inspection to enforce any of the provisions of this Order for the prevention of fires and medical emergencies, or whenever the Fire Chief has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of this Order, the Fire Chief, or his designated agents of the District may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed on the Fire Chief by this Order; provided that if such building or premises is occupied, they shall first present proper credentials and request entry; and, except during construction of the 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 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 section 4, to promptly permit entry therein by the Fire Chief or the authorized agent of the Fire Chief for the purpose of inspection and examination pursuant to this Order. The District, the Fire Chief, or his designees may take any action, at law or in equity, available under the Fire Code of the District to enforce this section and any other applicable section as set forth herein or as otherwise allowed under any applicable statute, law, rule, ordinance, or regulation.

### **Section 4. Identification of District, Commissioners, and Appellate Body**

(a) Whenever the terms “jurisdiction”, “authority having jurisdiction”, “department”, or “bureau of fire prevention” are used in the IFC, same will be a reference to the District. All regulatory authority established by the provisions of the IFC incorporated in this Order is established for the District.

(b) Any reference in the provisions of the IFC incorporated in this Order to the “executive body” shall be a reference to the Board of Emergency Services Commissioners of the District.

(c) Any reference in the provision of the IFC incorporated in this Ordinance to the “board of appeals” or other appellate body established by the IFC, shall be reference to the appellate body or panel of the Travis County Appeals Board or as otherwise provided for herein.

### **Section 5. Appeals**

(a) In the event that the Travis County Board of Review is available to hear an Appeal, the following process shall apply:

(1) The District shall utilize the Travis County Board of Review to hear and decide the complaint of any person aggrieved by a decision of the Fire Chief or his/her designee, regarding any request for a permit or approval, any decision to stop work, or stop use, and any decision to abate, repair, rehabilitate, demolish, or remove an unsafe structure or premises.

(2) The Travis County Board of Review shall hear the timely appeal of any decision of the Fire Chief or other authorized official described in subsection (a)(1). A request to appeal such a decision shall be submitted in writing, addressed to the President of the Board of Emergency Services Commissioners of the District, and sent to the District's central administrative offices not more than 30 days after the date of the decision or action that is the subject of the appeal. A request to appeal shall include the mailing address of the appellant for the purpose of receiving notice of a hearing on the appeal. A notice of appeal shall not stay the decision or action from which the appeal is taken.

(3) The Commissioners shall forward the request of appeal to the Travis County Board of Review to hear an appeal at its next regularly scheduled meeting held not less than five days and not more than 35 days after receipt of the request to appeal.

(4) Except as provided in subsection (a)(7), the District, or the President of the District, as applicable, shall serve written notice of the date, time, and place of the appeal hearing not less than ten (10) days prior to the date of the hearing.

(5) An appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Chief or his/her designee shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses. The Travis County Board of Review shall make all determinations regarding the admissibility of evidence and credibility of witnesses, and may make reasonable rulings regarding the conduct of the hearing and the manner that evidence is presented. The appellate board may be assisted by legal counsel for the District in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.

(6) The Travis County Board of Review may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the appeal board shall be the decision of the Travis County Board of Review. Travis County Board of Review may reverse a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust; or (II) special circumstances make strict application of the rule that is the basis of the original decision impractical and the reversal of the decision is in conformity with the intent and purpose of this Order; and such reversal would not result in a greater threat of danger to the life or safety. To modify an order of the Fire Chief or his designee, affirmative votes of the majority, but not less than three, shall be required. The Travis County Board of Review shall have no authority to waive requirements of this Fire Code.

(7) If the Fire Chief determines in a written order served on the owner of property that a structure constitutes an imminent threat to the life or safety of any persons, the Fire Chief or his/her designee may require the demolition or removal of such structure not later than ten days following the date notice of such order is served on the owner of the affected property. Such owner may request an emergency appeal of such decision in writing delivered to the central administrative offices of the District at any time prior to the expiration of such ten-day period. In such event, the president of the District is

authorized to forward the appeal immediately to the Travis County Board of Review so they may schedule a hearing of such appeal as soon as practicable and serve notice of the time, date and place of such appeal on such owner not less than two days prior to the date of the hearing of such appeal.

(b) In the event that the Travis County Board of Review is not available to hear the Appeal, the following process shall apply:

(1) The Commissioners of the District shall appoint three residents or owners of businesses in the territory of the District to serve as members of an appellate body to hear and decide the complaint of any person aggrieved by a decision of the Fire Chief or his designee, regarding any request for a permit or approval, any decision to stop work, or stop use, and any decision to abate, repair, rehabilitate, demolish, or remove an unsafe structure or premises. The three members of the appeal panel shall constitute a quorum, and in modifying an order of the Fire Chief or his designee, the affirmative vote of the three members shall be required. Any Commissioner may serve as a member of such appellate body. Members of the appellate body shall serve for a period of two years or until their successor is appointed.

(2) An appellate panel of three members of the appellate body shall hear the timely appeal of any decision of the Fire Chief or other authorized official described in subsection (b)(1). A request to appeal such a decision shall be submitted in writing addressed to the President of the Commissioners of the District and forwarded to the District's central administrative offices not more than 30 days after the date of the decision or action that is the subject of the appeal. A request to appeal shall include the mailing address of the appellant for the purpose of receiving notice of a hearing on the appeal. A notice of appeal shall not stay the decision or action from which the appeal is taken.

(3) The Commissioners shall appoint an appellate panel to hear an appeal at its next regularly scheduled meeting held not less than five days and not more than 35 days after receipt of the request to appeal. The hearing of such appeal shall be scheduled not later than 21 days following the meeting of the Commissioners at which the appellate panel is appointed to hear the appeal. If no meeting of the Commissioners occurs during the period of time after a request for appeal is submitted as required by this subsection (b)(3), the President of the Commissioners shall appoint an appeal panel to hear the appeal and shall schedule such appeal hearing. An appointment of an appellate panel may include alternate appointments in the event that one or more appointees are unable to serve at the place and time scheduled for the appeal hearing.

(4) Except as provided in subsection (b)(7), the Commissioners, or the President of the commissioners, as applicable, shall serve written notice of the date, time, and place of the appeal hearing not less than ten (10) days prior to the date of the hearing.

(5) An appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Chief or his/her designee shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses. The appellate panel shall make all determinations regarding the admissibility of evidence and credibility of witnesses, and may make reasonable rulings regarding the conduct of the hearing and the manner that evidence is presented. The appellate panel may be assisted by legal counsel for the District in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.

(6) The appeal panel may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the appeal panel shall be the decision of the appeal panel. The panel may reverse a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust; or (II) special circumstances make strict application of the rule that is the basis of the original decision impractical and the reversal of the decision is in conformity with the intent and purpose of this Ordinance; and such reversal would not result in a greater threat of danger to the life or safety. The appeal panel shall have no authority to waive requirements of this Fire Code.

(7) If the Fire Chief determines in a written order served on the owner of property that a structure constitutes an imminent threat to the life or safety of any persons, the Fire Chief or his/her designee may require the demolition or removal of such structure not later than ten days following the date notice of such order is served on the owner of the affected property. Such owner may request an emergency appeal of such decision in writing delivered to the central administrative offices of the District at any time prior to the expiration of such ten-day period. In such event, the president of the Commissioners is authorized to appoint an appellate panel and schedule a hearing of such appeal as soon as practicable and serve notice of the time, date and place of such appeal on such owner not less than two days prior to the date of the hearing of such appeal.

## **Section 6. Permits and Fees**

The fees applicable for permits, approvals, and inspections shall be established from time to time by the Board of Emergency Services Commissioners of the District in resolution therefor. The District may require an owner or agent who applies with the District for any permits, approvals, or inspections to pay any additional costs related to any reviews of said permits, approvals, or inspections by third parties or otherwise.

### **Building and System Permits Required**

- (a) No person may perform or authorize construction or Substantial Improvement of any Building in Travis County ESD 12 without first obtaining a Building Permit.
- (b) Any Substantial Improvement to or construction of a Building in Travis County ESD 12 on or after the amendment of the Fire Code hereunder must be made in accordance with the 2015 Fire Code and this chapter.

(c) No person may perform or authorize any improvements to a Building in Travis County ESD 12 to comply with the requirements of Chapter 11 of the 2015 edition of the International Fire Code, entitled “Construction Requirements for Existing Buildings,” without first obtaining a Building Permit.

(d) Any improvement that is not a Substantial Improvement made to a Building for which a Building Permit was required in Travis County ESD 12 on or after the amendment of the Fire Code hereunder must be done in accordance with the 2015 Fire Code.

(e) Applicant must obtain a System permit for each required System.

### **Section 7. Penalties**

The District shall be entitled to bring a civil action for the enforcement of this Order in any court of competent jurisdiction to enjoin any violation of this Order or to impose a civil penalty in an amount of \$2,000 per day that a violation of this Order continues. Each day a violation continues after due notice has been served shall be deemed a separate offense hereunder. This Section modifies Section 109.4 of the IFC.

### **Section 8. Amendments to the International Fire Code**

Solely for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous material, or explosion in Travis County ESD 12 and except as provided in Chapter 11 of the 2015 edition of the International Fire Code, entitled “Construction Requirements for Existing Buildings,” the 2009 Fire Code remains in effect with respect to construction of or Substantial Improvements to a Building that occurred between March 12, 2013 and the date of the adoption of this amendment to the District’s Fire code and Building Permits issued by Travis County or other authority having jurisdiction during this time period.

### **The following sections are hereby amended as follows:**

#### **Section 101.1 is amended as follows:**

(1) **Section 101.1 Title.** These regulations shall be known as the Fire Code of Travis County Emergency Service District No. 12, hereinafter referred to as “this code” or “Fire Code.”

#### **Section 102.1 is amended as follows:**

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities, and conditions arising after the effective date of the 2015 code;
2. Existing structures and facilities that are the subject of a Substantial Improvement as a Commercial Establishment or a Public Building or a multifamily residential dwelling consisting of more than three units in Unincorporated Travis County after the effective date of the 2015 code; and

3. Existing structures, facilities, and conditions where required by Chapter 11 of this code, entitled “Construction Requirements for Existing Buildings.”
4. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
5. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

**Section 102.2 is revised as follows:**

102.2 Administrative, operational, and maintenance provisions. The administrative, operational, and maintenance provisions of the 2015 code shall apply to:

1. Structures, facilities, operations, and conditions arising after the effective date of the 2015 code;
2. Existing structures and facilities that are the subject of a Substantial Improvement as a Commercial Establishment or a Public Building or a multifamily residential dwelling consisting of more than three units in Travis County ESD 12 after the effective date of the 2015 code; and
3. Existing structures, facilities, operations, and conditions where required by Chapter 11 of this code, entitled “Construction Requirements for Existing Buildings.”

**Section 104.1 is amended as follows:**

**104.1 General.** The fire code official is hereby authorized to enforce the provisions of this code and shall have authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall comply with the intentions and purposes of this code and shall not have the effect of waiving requirements specifically provided for in this code.

**Section 104.1.1 Administrative Rules**

The fire code official is authorized to develop administrative rules to supplement the requirements of this code and adopted standards referenced by this code. Should a conflict occur between this code, a referenced standard, or an administrative rule adopted by the fire code official, the requirements of the administrative rule shall govern.

**Section 104.7.2 is amended as follows:**

**104.7.2 Technical Assistance.** To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the *fire code official* and shall



analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional. The *fire code official* is authorized to require that reports include a certification that the design, operation or use of the building or premises complies with applicable codes, including International Electrical Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code or Texas Accessibility Standards.

**Section 104.7.3 is amended as follows:**

**Section 104.7.3** The fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction and at the sole cost and expense of the owner or agent, a Third Party Review for permits, approvals, inspections, or plans submitted to the District for approval. Any Third Party Review required by the District will be conducted by an entity of the fire code official's choice.

**Section 105.3.3 is amended as follows:**

**Section 105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the *fire code official* issuing a permit that indicates that applicable provisions of this code have been met for any new structure or a change in an existing occupancy.

**Section 110.1 is amended as follows:**

**110.1 General.** If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as the fire code official deems necessary in accordance with this section.

**Chapter 2 Definitions is revised as follows:**

The 2009 Fire Code, and the 2015 Fire Code

- a) "2009 Fire Code" means the codes and standards, known as the International Fire Code, 2009 Edition, including Appendix Chapters B, C, D, E, F, and I as published by the International Code Council, except for the portions deleted, modified, or amended by the Travis County ESD 12 Board of Commissioners in 2013.
- b) "2015 Fire Code" means the codes and standards, known as the International Fire Code, 2015 Edition, including Appendix Chapters B, C, D, and I as published by the International Code Council, except for the portions deleted, modified, or amended by the Travis County ESD 12 Board of Commissioners.
- c) "Applicant" means any person who is listed as an applicant on an application for a Building Permit or a System permit or their designee.

"Beginning of Construction " means:

- (1) the date on which ground is broken for a building, or

- (2) if no ground is broken, the date on which the first of the following occurs:
  - (A) the first materials are added to the original property, or
  - (B) foundation pilings are installed on the original property, or
  - (C) a manufactured building or relocated structure is placed on the site
- d) "Beginning of a Substantial Improvement" means the date on which:
  - (1) the repair, restoration, reconstruction, improvement, or remodeling starts, or
  - (2) the change in occupancy classification starts, or
  - (3) materials are first delivered for any purpose in (1) or (2).
- e) "Building" includes a Commercial Establishment, Public Building, or multifamily building consisting of more than three units.
- f) "Building Permit" means the written authority issued by the Travis County ESD 12 Fire Marshal's Office to begin construction in a manner that complies with this Chapter and the applicable Fire Code and any reasonable accommodation that has been granted by the fire code official
- g) "Commercial Establishment" means any place in which any phase of commercial or business activity occurs but does not include the following:
  - (1) A multifamily residential dwelling consisting of less than four units, or
  - (2) Private garages, carports, sheds.
- h) "Fire Marshal" means the Fire Marshal of Travis County ESD 12, Texas or his duly authorized representative.
- i) "Person" means an individual, trust, estate, partnership, limited partnership, association, company, or corporation.
- j) "Public Building" means any structure
  - (1) That is open to the public during normal business hours or
  - (2) To which there is public access as a result of the possession, use, or the nature of the property, without regard to whether access is for business, pleasure, religious worship, the gratification of curiosity or similar purposes, and
  - (3) Includes all structures made open by the occupation of them as government buildings, public schools, taverns, inns, or in any other way.
- k) "Substantial Improvement" means
  - (1) the repair, restoration, reconstruction, improvement or remodeling of a building for which the cost exceeds:

A) 50% of the building's value according to the certified tax appraisal roll for Travis County for the year preceding the year, or

B) \$50,000; or

(2) A change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into more than three loft apartments.

l) "System" means a fire alarm, fire extinguishing, or smoke control system.

m) "VACANT" means a property that is being without content or occupant and free from activity or work.

If a word or phrase is defined in the 2015 Fire Code, the definitions in that code apply to that word or phrase when it is used in this chapter.

**Section 201.4** is amended as follows:

**201.4 –Terms not defined.** Where terms are not defined through this order or the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. *Merriam Webster's Collegiate Dictionary, 11<sup>th</sup> Edition*, shall be considered as providing ordinarily accepted meanings.

**Section 202** is amended as follows:

In Section 202 **OCCUPANCY CLASSIFICATION**, the following paragraphs under the title "**Residential Group R**" are revised as follows:

**R-2** Residential occupancies containing *sleeping units* or more than three *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses

*Boarding houses* (non-transient)

*Convents*

Dormitories

Fraternities and sororities

Hotels (non-transient)

Live/work units

Monasteries

Motels (non-transient)

Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are allowed to be constructed in accordance with the construction requirements for Group R-3.

**Section 109.4** is amended as follows:

**Section 109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor, as defined in the Texas Penal Code § 12.23. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount of \$2,000 per day that a violation of this Code continues.

**Section 111.4** is amended as follows:

**Section 111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C Misdemeanor, as defined in the Texas Penal Code § 12.23, with a penalty not to exceed \$500.00, and a culpable mental state is hereby explicitly waived for any offense hereunder. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall also be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount of \$2,000 per day that a violation of this Code continues. Each day a violation continues after due notice has been served shall be deemed a separate offense hereunder.

**Section 307.2** is amended as follows:

**Section 307.2 Open Burning – Notification, permission, or permit required.** For any burning other than residential maintenance a permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention, or control of disease or pests, a bonfire, or any other outdoor burning within the District. All outdoor burning authorized within the District shall be conducted in full compliance with all applicable statutes, rules, or regulations, including this Ordinance, and in the case of conflict between any other applicable statute, rule, or regulation and this Ordinance, the more stringent provision shall prevail.

### **Outdoor Burning Procedure**

**Residential Maintenance** - All outdoor burning conducted within the District must be authorized and may require an on-site visit prior to initiating any outdoor burning. The individual responsible for the outdoor burning shall contact the **Code Enforcement Department at 512/272-4995, Monday through Friday, 8a.m.–5p.m.** for notification and instructions. After the request is received, a code official or fire department officer may conduct an on-site inspection, if required, and permission may be granted to conduct the burn if said burn can be

conducted in a safe manner and such burn is in compliance with all applicable statutes, laws, rules, or regulations, including the Texas Clean Air Act and the Texas Outdoor Burning Rule, Title 30, Texas Administrative Code (30 TAC), Sections 111.201 – 111.221. Open Burning as described above is to be intended for **residential maintenance and does not require a permit or permit fee**, given burning is occasional and not commercial in nature.

Any Open Burning other than that intended for residential maintenance described above, i.e. Lot Clearing, Prescribed Burning, or if in the code officials opinion any request that exceeds acceptable height, size or frequency, shall require a **prescribed time frame permit** and/or permit fees. Application for such approval(s) shall only be issued to the owner of the land upon which the fire is to be kindled.

**Open Burning site requirements (All):**

- Site inspected or approved by a Fire Department Official.
- Phone available on site to contact 9-1-1.
- Proposed burn site is at least **50** feet from any structure.
- Wind and/or other environmental conditions are favorable.
- Cannot burn prohibited items.
- Proposed burn site is manageable size and height.
- Approved water source or extinguishing equipment available at burn site.
- Burn site is downwind or at least **300** feet from any occupants that might be sensitive to smoke.
- Applicant to be informed of burn regulations.
- Applicant must abide by any additional requirements provided by code official.
- When issued, all permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous place on the premises, or shall be kept on the premises location designated by the fire code official.

**Section 307.2.1** is amended as follows:

**Section 307.2.1 Authorization.** All **outdoor burning** shall be done in accordance with Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 – 111.221. If a conflict should arise between this code and the Texas Outdoor Burning Rule, Title 30 Texas Administrative Code (30 TAC), Sections 111.201 – 111.221, then the more stringent rule shall apply. Where required by state or local law or this code, open burning shall only be authorized with prior approval from the state or local air and water quality management authority or other authorities having jurisdiction, provided that all conditions specified in the authorization are followed. If issued, permits may be revoked at any time by the fire code official if any

conditions or limitations set forth in the permit have been violated. This action, if taken, may result in fines, penalties as set forth herein, or additional fees issued by the District.

**Section 311.1 is amended by adding the following:**

311.1.3 Any property that is vacant for a period greater than 180 days shall not be considered as grandfathered and meet the requirements of the currently adopted code for Change of Use or Occupancy 102.3.

**Section 307.4 is amended as follows:**

**307.4 Location.** The location for *open burning* shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

**Exceptions:**

1. Fires in *approved* containers that are not less 25 feet from a structure.

**Section 308.3.1 is amended as follows:**

**Section 308.3.1 Open-flame cooking devices.** Charcoal burners and other flame cooking devices shall not be operated on balconies or within 10ft. of combustible construction. Such cooking devices shall not be stored on balconies.

**Exceptions:** 1. One- and Two- family dwellings.

**Section 403.1.1 is amended as follows:**

**403.1.1 Public safety plan.** Where the *fire code official* determines that an indoor or outdoor gathering of *persons* has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads, or where such gatherings adversely affect public safety services of any kind, the *fire code official* shall have the authority to order the development of, or prescribe a plan for, the provision of an *approved* level of public safety.

**Section 503.1.1 is amended as follows:**

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and Appendix D of this code. Access roads shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

**Section 503.2.1 is amended as follows:**

**Section 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 25 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.

**Exception:** Widths less than 25 feet as approved in writing by the Fire Chief.

**Section 503.6** is amended as follows:

**Section 503.6 Security Gates.** The installation of security gates across a fire apparatus road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation, including a means of operation without power and a means of operation with a Knox Box. The security gates and emergency operation shall be maintained at all times. A single gate serving two-way traffic shall be 25 feet in clear open width. When two gates are installed and each only serves one direction of travel, they shall be 15 feet in clear open width each. This code pertains to new and existing gates.

**Section 505.1** is amended as follows:

**505.1 Address identification.** New and existing buildings shall be provided with *approved* address and building identification. The address and building identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address and building identification characters shall contrast with their background. Address and building numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches high with a minimum stroke width of 1/2 inch. Where required by the *fire code official*, address and building identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address and building identification shall be maintained.

**Section 509.3** is amended as follows:

**509.3. Main Electrical Disconnect.** The main electrical disconnect for each building shall be installed on the exterior of the building in an approved location. In lieu of the main disconnect, a remote shunt trip may be installed to disconnect electrical service when approved by the fire code official. **(This was added to the 509 section for Firefighter safety)**

**Section 605.5.1** is amended as follows:

**Section 605.5.1 Power supply.** Extension cords shall be plugged directly into an approved receptacle, power tap or multi-plug adapter provided with surge protection and, except for approved multi-plug extension cords, shall serve only one portable appliance.

**Section 807.5.2.3** is amended as follows:

**807.5.2.3 Artwork in classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 20 percent of the specific wall area to which they are attached. The amount of wall area covered can be increased to 50 percent in buildings protected throughout by an automatic fire sprinkler system.

**Section 8075.5.3** is amended as follows:

**807.5.5.3 Artwork in classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 20 percent of the specific wall area to which they are attached. The amount of wall area covered can be increased to 50 percent in buildings protected throughout by an automatic fire sprinkler system.

**Section 901.4.6** is amended as follows:

**901.4.6 Pump and riser room.** A dedicated room shall be provided for fire pumps and automatic sprinkler system risers. Pump and riser rooms shall be provided with exterior access and the exterior access door shall face an access drive marked as a fire lane. Pump rooms shall comply with the construction requirements specified in NFPA Standard 20. Where provided, fire pump rooms and *automatic sprinkler system* riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working space around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances, shall be sufficient to allow inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly. Fire pump and *automatic sprinkler system* riser rooms shall be provided with a door(s) and an unobstructed passageway large enough to allow removal of the largest piece of equipment.

Section 903.3.2.9 is amended as follows:

Group S-1. An 903.2.9automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group S-1 fire area used for the storage of commercial motor vehicles or aircraft where the fire area exceeds 5,000 square feet (464 m<sup>2</sup>).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

**Section 903.3.1.2.1** is amended as follows:

**Section 903.3.1.2.1 Balconies and decks.** Sprinkler protection shall be provided for all exterior balconies and ground floor patios, including closets or storage areas accessed from balconies and patios. of dwelling units where the building is of Type V construction provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members, and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies that are constructed of open wood joist construction.



**Section 906.1** is amended as follows:

**Section 906.1 Where required.** Portable fire extinguishers shall be installed in the following locations.

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-3, R-4, and S occupancies.
2. Within 30 feet (9144mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

**Section 1009.1** is amended as follows:

**1009.1 Accessible means of egress required.** *Accessible means of egress* shall comply with this section. *Accessible means of egress* shall be provided with not less than one *accessible means of egress*. Where more than one *means of egress* are required by Section 1006.2 or 1006.3 from any *accessible* space, each *accessible* portion of the space shall be served by not less than two *accessible means of egress*. *Accessible means of egress* shall comply with both this section and the Architectural Barriers Act, Article 9102, of the Texas Civil Statutes (Texas Accessibility Standards or TAS). The *fire code official* is authorized to require the owner, applicant or agent to provide a technical report from a qualified *person* certifying TAS compliance.

**Section 2205.5** is amended as follows:

**Section 2205.5 Fire Extinguishers.** Approved portable fire extinguishers complying with Section 906 with a minimum rating of 4-A:40-B:C shall be provided and located such that an extinguisher is not more than 75 feet (22860mm) from pumps, dispensers or storage tank fill-pipe openings.

**Section 3406.2.7** is amended as follows:

**Section 3406.2.7 Portable fire extinguishers.** Portable fire extinguishers with a minimum rating of 4A:40BC and complying with Section 906 shall be provided where required by the fire code official.

**Chapter 31 of the IFC is hereby amended to read as follows:**

**Chapter 31 TENTS, CANOPIES, OTHER MEMBRANE STRUCTURES, AND PORTABLE OR MOBILE KITCHENS AND OR TRAILERS USED AS SUCH**

**In Appendix B, subsection B105.1 amended as follows:**

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration requirements for one and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than the flow specified in Table B105.1(2).

Exception: The Fire Code Official is authorized to approve a reduction in required fire-flow when the building is equipped with an approved automatic fire sprinkler system. The amount of fire flow reduction permitted will be determined by the Fire Code Official.

**In Appendix B, subsection B105.2 amended as follows:**

**B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.** The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Table B105.1(2).

Exception: The Fire Code Official is authorized to approve a reduction in required fire-flow when the building is equipped with an approved automatic fire sprinkler system. The amount of fire flow reduction permitted will be determined by the Fire Code Official.

**In Appendix C, subsection C102.1 revised as follows:**

**Section C102.1 Hydrant Spacing.** Where required by Section 508.5.1 507.5.1, a minimum of one (1) hydrant **within 300 feet** of all portions of exterior walls (first floor), a second hydrant within 500 feet of all portions of exterior walls (first floor). This measurement is taken around the perimeter of the building and down the access road to the hydrant (MEASUREMENT NOT TAKEN AS A RADIUS).

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provided all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building that are within the distances listed in Table C102.1.

**In Appendix C, subsection C102.2 amended as follows:**

**Section C105.2 Installation.** Fire hydrants must be installed with the center of the 4.5 inch steamer opening at least 18 inches above finished grade. The 4.5 inch opening must face the driveway or street and must be totally unobstructed to the street. Set back from the face of the hydrant to back of the curb shall be in accordance with City of Austin Standards except that on private property, set back shall be three (3) to six (6) feet to avoid vehicular damage, unless specifically approved by the Fire Chief.

**In Appendix D, subsection D103.3 is amended as follows:**

**Section D103.3 Turning radius.** Fire Apparatus access roads shall be designed with an appropriate 25 foot inside turning and a 50 foot outside turning radius at turns to accommodate any operational fire department apparatus.

**Exception:** Radius less than 25 feet inside or 50 feet outside as approved in writing by the fire chief.

**In Appendix D, subsection D103.5 is amended as follows:**

**D103.5 Fire apparatus access road gates.** Gates securing fire apparatus access roads shall be approved by the Fire Code Official prior to installation.

- 1) Gates shall be maintained in an operative condition and repaired or replaced when defective
- 2) When required by the Fire Code Official, defective gates shall be secured in the open position until repaired
- 3) Gates shall be of the swinging or sliding type.
- 4) Construction of gates shall be of materials that allow manual operation by one person.
- 5) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- 6) Methods of locking shall be submitted for approval by the fire code official.
- 7) Electric gate operators, where provided, shall be listed in accordance with UL 325.
- 8) Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200

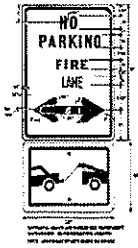
**In Appendix D, subsection D103.6 is amended as follows:**

**Section D103.6.** Where required by the code official, fire apparatus access roads shall be marked as follows:

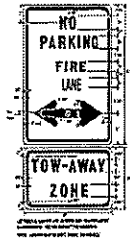
Where curb and guttering exists, all of fire apparatus access roads shall be painted red and be conspicuously and legibly marked with the warning "FIRE LANE – TOW AWAY ZONE" in white letters at least three inches tall, at intervals not exceeding 35 feet.

Where no curb and guttering exists, fire apparatus access roads shall be marked with permanent FIRE LANE – TOW AWAY ZONE signs at intervals not exceeding 50 feet. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one side or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Sign Type "A"



Sign Type "B"



**Exception:** Ribbon Striping is allowed with the approval of the fire code official.

**In Appendix D, subsection D107.1 is amended as follows:**

**D107.1 One- or two-family dwelling residential developments**

Developments of one or two-family dwellings where the number of dwelling units exceeds 30, shall be provided with two separate and approved fire apparatus access roads.

**Exception:**

1. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, in an approved time frame, as determined by the fire code official.

**Section 9. References to Other Codes**

The District shall not have a building official or separate code regulating the construction of buildings, including but not limited to separate building code, mechanical code, plumbing code, or electrical code, except as expressly incorporated by the terms of this Order and necessary for the proper interpretation or enforcement of this Order or any fire code adopted hereunder. Only parts of other international codes that relate to fire safety are incorporated in this Order. Any provision in the IFC or other provision incorporated in this Order by reference that refers to any act to be referred to or conducted by a building official shall be disregarded as though such reference were deleted and all other parts of the affected sentence, section, article, or chapter remained in force and effective. Any reference in the IFC (or other provision incorporated in this Order) to compliance in a manner provided in a building code, electrical code, plumbing code, or mechanical code shall be disregarded except to the extent that the provision of such other code is incorporated in this Order by reference and to allow for the proper interpretation and enforcement of this Order. Such disregard of the manner of compliance shall not otherwise affect the requirement to comply [provided however that if a provision refers to compliance with the term of any such other code that is not incorporated in this Order by reference, as opposed to compliance in a manner provided in such other code, the requirement of compliance shall be disregarded altogether.] In the event that the disregard of any such reference is unusual syntax or sentence structure of the remainder of such affected provision, a reasonable interpretation shall be given to the remainder, in light of the intent and purpose of this Order and the authority of the District.

**Section 10. Conflicts**

All Orders that are in conflict with the provisions of this Order are hereby repealed and all other orders of the District not in conflict with the provisions of this Order remain in full force and effect.

**Section 11. Severability**

Should any section, subsection, sentence, clause or phrase of this Order is, for any reason, held to be illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order or the District's Fire Code. The Board of Emergency Services Commissioners hereby declares that it would have passed this Order and the District's Fire Code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared illegal, unenforceable, or unconstitutional.

**Section 12. Maintenance of Order**

A copy of this Order together with all provisions incorporated herein shall be maintained at the central administrative offices of the District for inspection and use by interested persons. The District shall inform any person inquiring where copies of the IFC and other provisions incorporated in this Order may be purchased from the publisher thereof.

**Section 13. Notice/Publication**

The Fire Chief shall arrange for any notice or publication of this Order required by applicable law, if any, and maintain proof thereof in the records of the District.

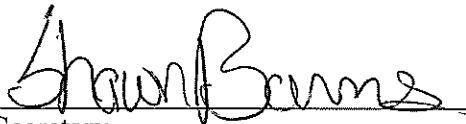
**Section 14. Effective Date**

This Order shall be effective the 1<sup>ST</sup> day of July, 2016.

TRAVIS COUNTY EMERGENCY  
SERVICES DISTRICT NO. 12

By:   
Jesse Arellano, President

ATTEST:

  
Secretary