

RESOLUTION ADOPTING DISTRICT FIRE CODE

WHEREAS, the Commissioners of the District are authorized, pursuant to Texas Health and Safety Code, Section 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 enforcement, in order to protect the health and safety of those persons residing within the territory of the District, and in furtherance of preventing fires and medical emergencies; and,

WHEREAS, this resolution supersedes and replaces a resolution by the same title dated 13th day of January, 2011

SECTION 1. ADOPTION OF CODE

- (a) Except as otherwise provided in Sections 5, 6, and 7, or other provisions of this resolution, the following are hereby adopted, incorporated, and made a part hereof as though fully set forth herein as provisions of the Fire Code for Travis County Emergency Services District No. 2. This Code shall be applicable and enforceable throughout the territory of the District, except within the corporate limits of any municipality in the territory of the District that has adopted a Fire Code;
- (b) The 2015 International Fire Code, (the "IFC"), promulgated by the International Code Council, Chapters 1 through 80 and Appendices B through D and Index
- (c) Chapters 3, 7, 8, 9, and 10 of the 2015 International Building Code, (the "IBC"), published by the International Code Council, Inc.
- (d) In the event of conflict between the IFC or any other provision or code incorporated in this Resolution and the express provisions of this Resolution, the express provision of the Resolution shall apply.

SECTION 2. ADMINISTRATION

- (a) The Fire Chief of the District, together with such assistants and agents of the District as the Chief may designate, are authorized to enforce this Fire Code, and to take all actions required or authorized in provisions incorporated in this Fire Code by reference, and to conduct all inspections, review all plans, and accept all applications for a permit or approval authorized or required by this Fire Code.
- (b) The Fire Chief 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 shall keep an accurate account of all fees, fines and other funds collected and received pursuant to this Fire Code, the names of 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 Fire Code shall be maintained in the Central Office of the District for a period of not less than three years following the date such document was submitted to the District or prepared by the District, as applicable.

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, 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 Fire Code, 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 Fire Code; provided that if such building or premises is occupied, they shall first present proper credentials and demand 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 demand 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 demand for entry is made as provided in this Section 3, 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 Fire Code. Any person violating this Section shall be guilty of a misdemeanor.

SECTION 4. STOP ORDERS

Whenever any work or construction is being done contrary to the provisions to this Fire Code or without any permit or approval by the Fire Code, Fire Chief, or the Fire Chief's designee 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 that performs 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. 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 shall be guilty of a misdemeanor.

SECTION 5. IDENTIFICATION OF DISTRICT, COMMISSIONERS, OR APPELLATE BODY

- (a) Whenever the terms "jurisdiction" or "authority having jurisdiction", "department", "fire 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 Fire Code is established for the District.

- (b) Any reference in the provisions of the IFC incorporated in this Fire Code to the “executive body” shall be a reference to the Board of Commissioners for the District.
- (c) Any reference in the provisions of the IFC incorporated in this Fire Code to the “board of appeals” or other appellate body established by deleted section 108 of the IFC shall be a reference to the appellate body or panel, as applicable, referred in Section 9 of this Fire Code.

SECTION 6. DELETED SECTIONS OF THE IFC

The following sections of the IFC are not incorporated in this Fire Code, shall not be enforceable in the District, and are deleted from the provisions of the IFC incorporated herein: 108.

SECTION 7. AMENDMENTS TO THE IFC

The following sections of the IFC incorporated herein are amended as provided:

- (a) **104.1 General.** The fire code official is hereby authorized to enforce the provisions of this code and shall have the 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 be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code. 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.
- (b) Section 105.3.3 of the IFC is hereby amended to read as follows:

Section 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the 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.
- (c) **307.2.1 Authorization.** All outdoor burning shall be conducted in accordance with this code, the Texas Outdoor Burning Rules, and supplemental rules adopted by the Fire Code Official. If a conflict should arise between this code, the supplemental rules adopted by the Fire Code Official and the Texas Outdoor Burning Rules, then the more stringent rule shall apply. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

- (d) **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 than 25 feet from a structure

- (e) Section 308.1.7 of the IFC is hereby amended to read as follows:

Section 308.1.7 Religious ceremonies. When, in the opinion of the code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted. Use of open flame devices in any Class A Occupancy, (except for religious ceremonies), shall be approved and permitted by the code official.

- (f) Section 308.1.4 of the IFC is hereby amended to read as follows:

Section 308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 ft.(3048 mm) of combustible construction. Propane cooking devices shall not be stored on combustible balconies.

Exceptions:

1. One-and two- family dwellings.

- (g) Section 311.2.2 of the IFC is hereby amended to read as follows:

Section 311.2.2 Fire protection. Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times. Any impairment to or malfunction of the fire alarm, sprinkler or standpipe system must be reported to the fire department.

- (h) **403.1.1 Public safety plan.** The Fire Code Official is authorized to require an approved public safety plan where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety. An adverse impact may be caused by diminished access to buildings, structures, fire hydrants, fire apparatus access roads or an event which adversely affects delivery of public safety services of any kind.

- (i) **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.

(j) **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width in accordance with Appendix D and an unobstructed-vertical clearance of not less than 14 feet.

(k) Section 503.3 of the IFC is hereby amended to read as follows:

Section 503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. All required fire lanes shall be provided and maintained with fire lane striping that consists of six-inch (6") wide red background stripe with four-inch (4") high white letters stating "NO PARKING FIRE LANE TOW AWAY" painted upon the red stripe every 25-feet along the entire length of the fire lane, showing the exact boundary of the fire lane. Fire lane markings shall be on the vertical surface of the curb unless otherwise approved by the fire code official.

(l) Section 503.6 of the IFC is hereby amended to read as follows:

Section 503.6 Security gates. The installation of security gates across a fire apparatus road shall be approved by the Fire Chief. 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 gate and emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. When required by the Fire Code Official, defective gates shall be secured in the open position until repaired.

(m) Section 505.1 of the IFC is hereby amended to read 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.

(n) Section 507.5.1 of the IFC is hereby amended to read as follows:

Section 507.5.1 Where required. Fire hydrants shall be installed in approved locations. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official. When more than one hydrant is required, spacing for additional hydrants shall be in accordance with Appendix C of this code.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

- (o) Section 509 of the IFC is hereby amended to add and read 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.

- (p) Section 605.5.1 of the IFC is hereby amended to read as follows:

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

- (q) **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 by an automatic fire sprinkler system.

- (r) **807.5.5.3 Artwork in classroom.** 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 by an automatic fire sprinkler system

- (s) Section 901 of the IFC is hereby amended to add and read 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.

- (t) Section 903.3.1.2.1 of the IFC is hereby amended to read as follows:

Section 903.3.1.2.1 Balconies and decks Sprinkler protection shall be provided for all exterior balconies, decks 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. 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.

- (u) Section 1009.1 of the IFC is hereby amended to read as follows:

1009.1 Accessible means of egress required. Accessible means of egress shall comply with both this section and the Architectural Barriers Act 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. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required by Section 1006.2 or 1006.3 from an accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

- (v) Chapter 31 of the IFC is hereby amended to read as follows:

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

- (w) Section B105.1 of **Appendix B** is hereby amended to read 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.

- (x) Section B105.2 of **Appendix B** is hereby amended to read 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.

- (y) Section D103.1 of **Appendix D** is hereby amended to read as follows:

D103.1 Access road width The minimum road width of a fire apparatus access road shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

Exception: The minimum required width of a fire apparatus access road may be increased or reduced when required by the Fire Code Official.

- (z) Section D 103.5 of **Appendix D** is hereby amended to read 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. Gates shall be maintained in an operative condition and repaired or replaced when defective. When required by the Fire Code Official, defective gates shall be secured in the open position until repaired

- (aa) Section D 107.1 of Appendix D is hereby amended to read as follows:

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

Developments of one or two-family dwellings, with lots more than one-half acre in size, where the number of dwelling units exceeds 30, shall be provided with two separate and approved fire apparatus access roads. Developments of one or two-family dwellings, with lots less than one-half acre in size, where the number of dwelling units exceeds 99, shall be provided with two separate and approved fire apparatus access roads.

SECTION 8. PERMITS/APPROVALS/INSPECTIONS

All applications for any permits and all requests for any approval required by the terms of this Fire Code shall be submitted in writing to the Central Administrative Office of the District on a form prescribed or authorized by the Fire Chief along with payment of the applicable fee(s). The fees applicable for permits, approvals, and inspections shall be established from time to time by the Commissioners of the District in a resolution therefore. A permit authorizing construction of an improvement shall expire on the date one year after issuance of the permit unless construction of such permitted improvement has commenced prior to such a date and such construction continues without interruption until completed. A permit for handling, sorting, processing, or using any hazardous material or hazardous process may be valid for a period not to exceed three years. Subject to the right of appeal provided in this Fire Code, the Fire Chief or his designated agent of the District shall determine and decide the issuance of all permits and approvals, and compliance with all provisions of this Fire Code. A permit or approval shall be issued in cases where compliance with all applicable provisions of the Fire Code has been demonstrated.

SECTION 9. APPEALS

- (a) The appeals board shall hear the timely appeal of any decision of the Fire Chief or other such official decision described in subsection (a) of this section. 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 Office not more than 30-days after the date of the decision or action that is the subject of 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.
- (b) 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 (c), 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.
- (c) Except as provided in subsection (g), the Commissioners, or the President of the Board of Commissioners, as applicable, shall serve written notice of the date, time and place of the appeal hearing not less than ten days prior to the date of the hearing.
- (d) An appellant shall be entitled to present evidence in support of the appeal, and to cross-examine opposing witnesses. The Fire Chief or his 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.

- (e) The appeal panel may affirm, reverse, or modify the decision from which an appeal is taken. The decision of a 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 appeal 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 Fire Code; and such reversal would not result in a greater danger to life or safety.
- (f) If the Fire Chief determines in a written order served on the owner of a property that a structure constitutes an imminent threat to the life or safety of any persons, the Fire Chief or his 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 Office 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 10. PENALTIES

- (a) A violation of any provision of this Fire Code shall be a misdemeanor punishable by a fine of not less than \$1.00 and not more than \$2,000.00. A separate violation shall occur each day that a violation of this Fire Code continues.
- (b) In addition to the criminal enforcement provisions of this section, the District shall be entitled to bring a civil action for the enforcement of this Fire Code in any court of competent jurisdiction to enjoin any violation of this Fire Code or to impose a civil penalty in an amount of \$500.00 per day that a violation of this Fire Code continues.

SECTION 11. MAINTENANCE OF FIRE CODE

A copy of this Fire Code together with all provisions incorporated herein shall be maintained at the Central Administration Office 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 Fire Code may be purchased from the publisher thereof.

SECTION 12. SEVERABILITY

It is the intention of the Commissioners of the District that all provisions set forth or incorporated in this Fire Code shall be fully severable. In the event that any provision of this Fire Code or any provision incorporated in this Fire Code by reference is found by a court of competent

jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Fire Code, and all other provisions of this Fire Code shall remain in full force and effect.

SECTION 13. NOTICE/PUBLICATION

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

SECTION 14. EFFECTIVE DATE

The Fire Code shall take effect on the 1st day of October 2015.


APPROVED AND ADOPTED this 10th day of September 2015

TRAVIS COUNTY EMERGENCY SERVICES
DISTRICT NO. 2



Terry Struble, President

ATTEST:



Rudolph Metayer, Secretary