

# TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9

## Fire Code

### **Section 1. Adoption of Code**

(a) The following are hereby adopted as the Fire Code of Travis County Emergency Service District No. 9 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 therefore; 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. 9 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 Section 2 of this Order.

(1) The 2009 International Fire Code (the “IFC”) and appendices B, C, D, E, F, G, H, I, & J promulgated by the International Code Council, Inc.

(2) For the purpose of determining the types of construction referred in Appendix B of the IFC, the definitions and descriptions of types of construction provided in chapter 6 of the 2009 International Building Code (the “IBC”) are adopted.

(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 not to conflict with any code adopted by Travis County, and to the extent of any conflict between the Fire Code of the District and any code adopted by Travis County, the more stringent 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.

**(Amended by Order 2007-01, Amended by Order 2010-01)**

## **Section 2. Amendments to the International Fire Code**

The following sections are hereby amended as follows:

(1) **Section 101.1 Title.** These regulations shall be known as the Fire Code of Travis County Emergency Service District No. 9, hereinafter referred to as “this code.”

(2) **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. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to criminal enforcement provisions of this section, 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.

(3) **Section 109.3 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. In addition to criminal enforcement provisions of this section, 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.

(4) **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 13 feet 6 inches.

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

(5) **Section D103.3 Turning radius.** Access roadways 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.

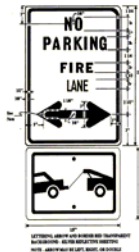
**Exception:** Radius less than 25 feet inside or 50 feet outside as approved by the fire chief.

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

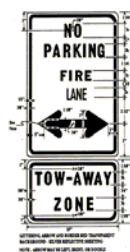
Where curb and guttering exists, all of fire apparatus access roads shall be painted red and be conspicuously and legibly marked with the warning “FIRE LANE – TOW AWAY ZONE” in white letters at least three inches tall, at intervals not exceeding 35 feet.

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”



**(Amended by Order 2007-01)**

(7) **Section 307.2 Permit required.** 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 Order, and in the case of conflict between any other applicable statute, rule, or regulation of this Order, the more stringent provision shall prevail.

**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, 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 or additional fees issued by the fire department.

**(Amended by Order 2007-01)**

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

1. In all new and existing Group A, B, E, F, H, I, M, R-1, R-2, 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.

**(Amended by Order 2007-01)**

(9) **Section C105.1 Hydrant Spacing.** Where required by Section 508.5.1, a minimum of one (1) hydrant shall be provided within 300 feet of all portions of exterior walls (first floor), and a second hydrant provided 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 are within the distances listed in Table C105.1.

(10) **Section C105.2 Installation.** Fire hydrants must be installed with the center of the four (4) inch steamer opening at least 18 inches above finished grade. The four (4) 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.

(11) **Chapter 2 Definitions, Section 202 General Definitions, Residential Group**

**R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code in accordance with Section 101.2 of the International Building Code, except to the extent necessary to comply with section 903.2.8 of the International Fire Code. Residential occupancies shall include the following:

**R-1** Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

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

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (not transient)
- Live/work units
- Monasteries
- Motels (not transient)
- Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements of Group R-3.

**R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4, or I, including:

- One – and two – family dwellings and townhouses

- Buildings that do not contain more than two dwelling units

- Adult care facilities that provided accommodations for five or fewer persons of any age for less than 24 hours

Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours

Congregate living facilities with 16 fewer persons

Adult and child care facilities that are within a single – family home are permitted to comply with the International Residential Code.

**R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.**

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the International Residential Code, provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

**(Amended by Order 2007-02, Amended by Order 2010-01)**

(12) **Section 903.2.8 Group R.** An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area, including new buildings and structures hereafter constructed within the jurisdiction classified as Group R-3 (One – and two – family dwellings and townhouses). The automatic sprinkler system shall be installed by a firm registered by the State Fire Marshal’s Office and a responsible managing employee (RME) licensed by the State Fire Marshal’s Office in compliance with Texas Insurance Code Article 5.43-3 Fire Protection Sprinkler Systems & 28 TAC §§34.700.

**(Amended by Order 2007-02, Amended by Order 2010-01)**

### **Section 3. 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/her 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.

#### **Section 4. Right of Entry**

(a) 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/her 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 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 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 otherwise allowed under any applicable statute, law, rule, order, or regulation.

**(Amended by Order 2007-01)**

#### **Section 5. 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 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 Board of Review.

**(Amended by Order 2007-01)**

## **Section 6. 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. 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.

**(Amended by Order 2007-01)**

## **Section 7. Permit Fees**

The fees applicable for permits, approvals, and inspections shall be established from time to time by the Commissioners of the District in an Order therefore.

## **Section 8. 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 Commissioners of the District, and sent to the

District's central administrative offices not more than thirty (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 thirty-five (35) days after receipt of the request to appeal.

(4) Except as provided in subsection (a)(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 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 appellant board may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the appellate board shall be the decision of the appellate board. The appellate board 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.

(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 (10) day period. In such event, the president of the Commissioners is authorized to forward the appeal immediately to the Travis County Board of Review so they can 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. This appellate body must be 100% for quorum. 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 thirty (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 twenty-one (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.

(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 (10) 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 ( 2) days prior to the date of the hearing of such appeal.

**(Amended by Order 2007-01)**

### **Section 9. Penalties**

(a) A violation of any provision of this Order shall be a Class C Misdemeanor, as defined in Texas Penal Code § 12.23. A separate violation shall occur each day that a violation of this Order 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 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.

### **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 unconstitutional, such decision shall not affect the validity of the remaining portions of this Order. The Board of Commissioners hereby declares that it would have passed this Order, 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 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, 2004.