# ORDER NO. 2007-01

# WILLIAMSON COUNTY EMERGENCY SERVICE DISTRICT NO. 4

AN ORDER ADOPTING PORTIONS OF THE INTERNATIONAL FIRE CODE AND PORTIONS OF THE INTERNATIONAL BUILDING CODE AND NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS; 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 AND CRIMINAL PENALTIES FOR VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE FIRE CODE AND AUTHORIZING THE FIRE CHIEF AND HIS 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 Board of Emergency Services Commissioners of Williamson County Emergency Services District No. 4 (“District”) are authorized, pursuant to Tex. Health & Safety Code § 775.036 to adopt and enforce a fire code;

WHEREAS, the District desires 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) Except as otherwise provided in other provisions of this Order, the following are hereby adopted and incorporated herein and made a part hereof as though fully set forth herein as provisions of the fire code applicable and enforceable throughout the territory of the District, except within the corporate limits of any municipality located in the territory of the District that has previously adopted a fire code, if any:

(1) The 2006 International Fire Code (“IFC”) and appendices B, C, D, E, F, and G 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 2006 International Building Code (“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 (“Fire Code” or “Code”).

c) In the event of a conflict between the IFC or any other code or provision incorporated in this Order and the express provisions of this Order, the express provisions of this Order shall apply.

**Section 2. Administration**

(a) The Fire Chief of the Williamson County Emergency Service District No.4, together with such assistants and agents of the District, Department, or third parties 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, accept all applications for a permit or approval authorized or required by the terms of this Order, and take any action necessary to fully implement and enforce this Order and the Code adopted hereunder.

(b) The Fire Chief shall submit monthly activity reports to 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 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, or as otherwise required by statute, law, rule, or regulation of the State of Texas.

(d) The District may provide for inspection and other acts necessary to carry out the intent of this Order or the Fire Code, including, but not limited to, hiring employees, retaining contractors, or entering into any necessary agreements with any individual or entity to implement and enforce the Fire Code adopted hereunder throughout the District.

**Section 3. 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 designated agents 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 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 Order. Any person violating this section shall be guilty of a Class C Misdemeanor, as defined in Texas Penal Code § 12.23, as amended.

**Section 4. Stop Work Orders**

Whenever any work or construction is being done contrary to the provisions of this Order or without any permit or approval required by this Order, the 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 to perform any work on the property. All persons shall then cease all work or construction on the property until authorized to proceed by the Fire Chief. 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 Class C Misdemeanor, as defined in Texas Penal Code § 12.23.

**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 Board of Emergency Services Commissioners of the District.

(c) Any reference in the provision of the IFC incorporated in this Order to the “board of appeals” or other appellate body established by the IFC shall be reference to the appellate body or panel, as applicable, referred to in section 8 of this Order.

**Section 6. Amendments to IFC**

(a) 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. Only parts of other uniform 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 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.

(b) Section 108 is deleted in full, and Section 8, herein, is substituted in its place.

(c) The following sections of the IFC are hereby amended as follows:

**ADMINISTRATION**

**(1)** **Section 101.1 Title.**

These regulations shall be known as the Fire Code of Williamson County Emergency Services District No. 4, hereinafter referred to as the “code,” “fire code”, or “this code.”

**(2)** **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 any criminal penalties provided for herein, 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 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. 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.

**FIRE DEPARTMENT ACCESS AND FIRE LANES – SECTION 8 AMENDMENTS**

**(1) 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 in writing by the Fire Chief.

**(2)** **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, or similar access device. 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.

**(3)** **Section 505.1 Address Numbers**.

The portion of this section is herby amended to change the minimum size of Arabic numerals and letters to 6 inches. If a building is located more than 150 feet from the street, an address shall be posted at the street entrance.

**(4)** **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.

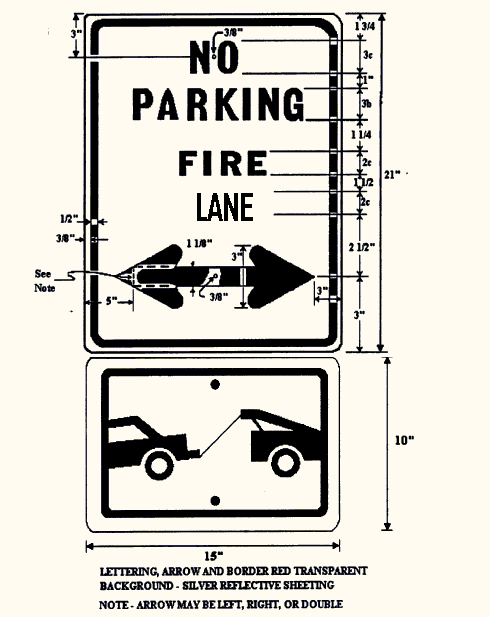
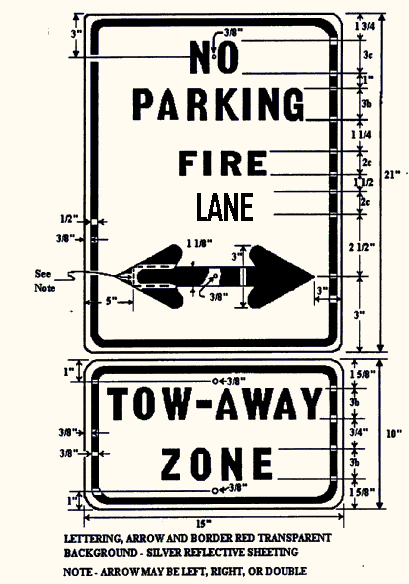
**Exception:** Radius less than 25 feet inside or 50 feet outside as approved in writing by the fire chief

**(5)** **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”

**OPEN OUTDOOR BURNING**

**(1)** **Section 307.2 Open Burning - 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.

**(2) 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.

**Residential Maintenance Burning**

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 call the District or Fire Department office 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 the site inspection is satisfactory, permission will be granted to conduct the burn.

Open Burning within the district as described above is to be intended for **residential maintenance** **and does** **not require a permit fee,** given burning is occasional and not commercial in nature. Exception: **The burning of household waste** is excluded from this code in the unincorporated areas of Williamson County Emergency Services District No. 4.

Any Open Burning other than that intended for residential maintenance and the burning of household waste in unincorporated areas within the district 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 fees. Application for such approval(s) shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**DISTRICT OPEN OUTDOOR BURNING PERMIT PROCESS**

**Open burning site district requirements for burning other than residential maintenance**

* 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 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.

Exception: Burning of household trash within unincorporated areas of the District.

**FIRE HYDRANTS**

**(1) Section C105.1 Hydrant Spacing.**

Where required by Section 508.5.1, a minimum of one (1) hydrant within 300 feet of all portions of exterior walls of a commercial building, and within 500 feet of all portions of exterior walls of a non-commercial residential building. 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 provide all or a portion of the required fire hydrant service.

**Exception:**  When no approved Fire Protection water supply is located on the proposed development, the Fire Code Official may waive the installation of Fire Hydrants. This is provided that when water becomes available within 1,000 ft of any access road on the development, the developer will be required to install Fire Hydrants as required by the Fire Code.

**(The below file will be placed on record and kept with plans after being signed by owner or developer.)**

*The Fire Department does not recommend the development, at this time because of no water supply. If the developer or current owner chooses to continue, it is with understanding that fire protection is lacking. It is further understood that when a water supply becomes available within 1,000ft of any access road on this development the developer or current owner will be required to establish fire protection hydrants as required by the code.*

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.

**(2) Section C105.2 Installation.**

Fire hydrants must be installed with the center of the five (5) inch steamer opening at least 18 inches above finished grade. The five (5) inch opening must face the driveway or street and must be totally unobstructed to the street. Fire hydrant design shall be 2- 2.5" NST outlets, 1 - 5.0" Storz connection with a cap to include a hex nut to fit a hydrant wrench along with a reflective band. The fire hydrant shall be painted silver in color and designated by a blue reflector in the center of the street.

**OCCUPANCY**

**(1)** **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.

**Section 7. Permits/Approvals/Inspections**

All applications for any permit and all requests for any approval required by the terms of this Order shall be submitted in writing to the central administrative offices of the District on a form prescribed or authorized by the Fire Chief along with payment of the applicable fee. 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. A permit authorizing construction of an improvement shall expire on the date two years after issuance of the permit unless construction of such permitted improvement has commenced prior to such date and such construction continues without interruption until competed. A permit for handling, storing, 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 Order, the Fire Chief or his/her designated agent of the District shall determine and decide the issuance of all permits and approvals, the duration of any such permit, subject to the maximum duration authorized by this section, and compliance with all provisions of this Order. A permit or approval shall be issued in cases where compliance with all applicable provisions of this Order have been demonstrated.

**Section 8. Appeals**

(a) 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. All members of this appellate body must be present for a quorum. Any Commissioner of the District 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.

(b) The appellate body shall hear the timely appeal of any decision of the Fire Chief or other authorized official described in subsection (a). 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 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 and work or resident telephone number 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.

(c) The Commissioners shall appoint the 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.

(d) Except as provided in subsection (g), the Commissioners, or the President of the Board of Emergency Services 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.

(e) 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.

(f) 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 Order; and such reversal would not result in a greater threat of danger to the life or safety.

(g) 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 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 up to $2,000.00 for each day that a violation of this Order continues.

**Section 10. Fees**

Any fees for the permitting, review, and inspection of occupancies or applications shall be established by resolution from time to time by the District, without the necessity of amending this Order. For purposes of his Order, the initial fees related to the implementation and enforcement of the Fire Code shall be as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

**Section 11. 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 12. Severability**

It is the intention of the Commissioners of the District that all provisions set forth or incorporated in this Order shall be fully severable. In the event that any provision of this Order or any provision incorporated in this Order 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 party of this Order, and all other provisions of this Order shall remain in full force and effect.

**Section 13. 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 14. 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 15. Effective Date**

This Order shall be effective the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2007.

  WILLIAMSON COUNTY EMERGENCY

SERVICES DISTRICT NO. 4

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sandra Taylor, President

ATTEST:

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Emory Martin, Secretary