

WILSON COUNTY EMERGENCY SERVICES DISTRICT NO. 1

ORDER NO. 05-13-22-9a

STATE OF TEXAS §
 §
COUNTY OF WILSON §

AN ORDER ADOPTING THE 2021 INTERNATIONAL FIRE CODE AND APPENDECIES; PROVIDING FOR FEES TO BE PAYABLE FOR PERMITS, APPROVALS AND INSPECTIONS; REQUIRING A PERMIT OR APPROVAL FOR CERTAIN USES AND ACTIVITIES; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE FIRE CODE AND AUTHORIZING THE FIRE CHIEF AND 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 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.

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

SECTION 1. ADOPTION OF CODE

The following are hereby adopted as the Fire Code of Wilson County Emergency Service District No. 1 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 Wilson County Emergency Service District No. 1 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 2021 International Fire Code (the "IFC"), appendices B thru N, and Index promulgated by the International Code Council, Inc.

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 or his designee shall submit monthly activity reports to the Emergency Services 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 or as otherwise required by applicable law, including the Texas Records Retention Act and related schedules adopted by the District.

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 or equity 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 104, 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 as outlined in Section 5.

SECTION 5. 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. 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.
- b) 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. 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.
- c) The Commissioners shall appoint an appellate panel to hear an appeal at its next regularly scheduled meeting held not less than 5 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, 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 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 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.
- 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 Board of Emergency Services 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, Use, or Occupancy, Recreational Vehicle park, lodging or multi-family building in Wilson County Emergency Service District No. 1 without first obtaining a Building Permit.
- b) Any Substantial Improvement to or construction of a Building, Use, or Occupancy in Wilson County Emergency Service District No. 1 on or after the amendment of the Fire Code hereunder must be made in accordance with the 2021 Fire Code and this Order.
- c) No person may perform or authorize any improvements to a Building, Use, or Occupancy, Recreational Vehicle park, lodging or multi-family building in Wilson County Emergency Service District No. 1 to comply with the requirements of Chapter 11 of the 2021 edition of the International Fire Code, entitled "Construction Requirements for Existing Buildings," without first obtaining a Building Permit.
- d) Applicant must obtain a System permit for each required System.

SECTION 7. PENALTIES

Persons who shall violate a provision of this Order or the Fire 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 directives of the fire code official, or of a permit or certificate used under provisions of this fire code shall be guilty of a Class C Misdemeanor, as defined by in the Texas Penal Code 12.23, with a penalty not to exceed \$500.00. 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 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 \$500.00 per day that a violation of this code continues. The District reserves and may utilize any cause or remedy at law or in equity.

SECTION 8. AMENDMENTS TO THE IFC

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

- (a) **101.9 Title** Shall be amended to read as: These regulations shall be known as the Fire Code of Wilson County Emergency Services District #1, hereinafter referred to as “this code”.
- (b) **103.1 Creation of Agency** Shall be amended to read: The Wilson County Fire Prevention Division is hereby created and the official in charge thereof shall be known as the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.
- (c) **112.4 Violation penalties** shall be amended to read: 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 fire code shall be guilty of a Class C Misdemeanor, as defined by in the Texas Penal Code 12.23, with a penalty not to exceed \$500.00. 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 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 \$2000.00 per day that a violation of this code continues.
- (d) **Section 105.3.3 Occupancy prohibited before approval** shall be amended to read: 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, a change in an existing occupancy classification involving a change in purpose or level of activity in a building
- (e) **202 General Definitions:** The following definitions shall be added or amended:
 - 1. Substantial Improvement means
 - The repair, restoration, reconstruction, improvement or remodeling of a building for which the cost exceeds:
 - 50% of the building’s value according to the certified tax appraisal roll for Wilson County for the preceding year, or
 - \$50,000; or
 - 2. A change in occupancy or use involving a change in the purpose or level of

activity in a building

- (f) **308.1.6.3 Sky Lanterns** shall be amended to read: A person shall not release or cause to be released any untethered item containing an open flame which shall include, but is not limited to, sky lanterns.
- (g) **503.2.1 Dimensions.** Shall be amended to read: 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.
- (h) **Section 503.6 Security gates.** Shall be amended to read: The installation of security gates across a fire apparatus access 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 gate and key switch and a siren operated opener. 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. More information on approved Security Gates is provided in the WCESD#1 supplement "Fire Apparatus Access Road Gate Requirements".
- (i) **C102.1 Minimum number of fire hydrants for a building.** Shall be amended to read: For residential subdivisions with lot sizes of 0.75 acres or greater fire hydrants shall be placed every 1000 feet with no property being greater than 500 feet of road frontage from a hydrant. The first fire hydrant must be placed within 250 feet of any entrance to the subdivision. For subdivisions less than 0.75 acres or any other new commercial or multi-family residential buildings table C102.1 shall apply.
- (d) **D107.1 One- or two-family dwelling residential developments.** Shall be amended to read: Developments of single-family dwellings that exceed 99 units shall be provided with two separate and approved fire apparatus access roads. Multi or two-family dwellings where the number of dwelling units exceeds 30, shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 99 single family dwelling units accessed from a single public road or private fire apparatus access road and all dwellings are equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.3, access road from two directions shall not be required.
2. Where there are more than 30 multi-family dwelling units accessed from a single public road or private fire apparatus access road and all dwellings are equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.3, access road from two directions shall not be required.
3. The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

- Should the development not be able to provided two separate entrances due to Texas Department of Transportation or other applicable laws, rules, or regulations then other accommodations must be made. Accommodations must be approved by the Fire Chief and are not limited to, but may include, looped main roads, cul-de-sac style turnarounds at minimum intervals, access easements to adjoining properties for future connection to neighboring property.

SECTION 9. 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 10. 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 11. 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 12. 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 13. EFFECTIVE DATE

ORDAINED, APPROVED, ISSUED, AND ADOPTED on this the 13TH day of MAY, 2022 to be effective as of the 13TH day of MAY 2022.

WILSON COUNTY EMERGENCY
SERVICES DISTRICT NO. 1

By: Michael M. Trainer
Mike Trainer, President

ATTEST:

By: Jim Burdette
Jim Burdette, Secretary