

Chapter 71. Fire Code¹

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Subchapter A. General Provisions

71.001 Authority

- (a) The Commissioners Court acting in its capacity as the governing body of Travis County, Texas, adopts this chapter.

¹ Chapter 71 was replaced by Travis County Commissioners Court on 8/11/2015, Item 2. The replacement became effective September 1, 2015.

- (b) Travis County adopts this chapter under the authority of Texas Local Government Code Chapter 233, Subchapter C, Fire Code in Unincorporated Area.

71.002 Purpose

- (a) The purpose of this chapter is to protect and promote the public health, safety, and welfare of the residents of Travis County by requiring permits for the construction, in the unincorporated areas of Travis County, of commercial establishments, public buildings, and multifamily residential dwellings consisting of more than three units and to impose standards to protect the property of the general public.
- (b) This chapter establishes minimum standards for construction of commercial establishments, public buildings, and multifamily residential dwellings consisting of more than three units in the unincorporated areas of Travis County.
- (c) Fire safety in the operation and use of buildings and structures after construction, whether or not the construction was subject to this chapter, is enforceable by the Fire Marshal independent of this chapter in accordance with applicable law including the Fire Marshal's independent authority to inspect for the presence of fire and life safety hazards, order their correction, and require compliance under the authority of Local Government Code Chapter 352, County Fire Protection. It is intended that this authority be retained to the fullest extent authorized by law. This chapter is not intended to limit the statutory authority of the Fire Marshal in any way.
- (d) This chapter is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions except as provided in this chapter. Where this chapter and other legal requirements conflict or overlap, whichever imposes the more stringent restriction shall prevail.

71.003 Definitions

- (a) In this chapter and the applicable Fire Code:
 - (1) "2003 Fire Code" means the codes and standards, known as the International Fire Code, 2003 Edition, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, except for the portions deleted, modified or amended by the Travis County Commissioners Court in 2005.
 - (2) "2009 Fire Code" means the codes and standards, known as the International Fire Code, 2009 Edition, including Appendix Chapters B, C, D, E, F, G, H, I, and J, as published by the International Code Council, except for the portions deleted, modified, or amended by the Travis County Commissioners Court in 2010 and 2011.

- (3) "2015 Fire Code" means the codes and standards, known as the International Fire Code, 2015 Edition, including Appendix Chapters B, C, and D, as published by the International Code Council, except for the portions deleted, modified, or amended by the Travis County Commissioners Court in this chapter.
- (4) "Applicant" means any person who is listed as an applicant on an application for a Building Permit or a System permit in compliance with subsections 71.951 (1), (4), or (5) or their designee.
- (5) "Beginning of Construction" means:
 - (A) the date on which ground is broken for a building, or
 - (B) if no ground is broken, the date on which the first of the following occurs:
 - (i) the first materials are added to the original property, or
 - (ii) foundation pilings are installed on the original property, or
 - (iii) a manufactured building or relocated structure is placed on a foundation on a foundation on the original property.
- (6) "Beginning of a Substantial Improvement" means the date on which:
 - (A) the repair, restoration, reconstruction, improvement, or remodeling starts, or
 - (B) the change in occupancy classification starts, or
 - (C) materials are first delivered for any purpose in (1) or (2).
- (7) "Building" includes a Commercial Establishment, Public Building, or multifamily building consisting of more than three units.
- (8) "Building Permit" means the written authority issued by the Travis County Fire Marshal's Office to begin construction in a manner that complies with this Chapter and the applicable Fire Code and any variance that has been granted by Commissioners Court.
- (9) "Commercial Establishment" means any place in which any phase of commercial or business activity occurs but does not include the following:
 - (A) A multifamily residential dwelling consisting of less than four units, or
 - (B) Private garages, carports, sheds, or agricultural buildings.
- (10) "Commissioners Court" means the Commissioners Court of Travis County, Texas.
- (11) "County Attorney" means the County Attorney of Travis County, Texas or his duly authorized representative.
- (12) "County Clerk" means the County Clerk of Travis County, Texas.
- (13) "Fire Marshal" means the Fire Marshal of Travis County, Texas or his duly authorized representative.

- (14) "Person" means an individual, trust, estate, partnership, limited partnership, association, company, or corporation.
- (15) "Public Building" means any structure
 - (A) That is open to the public during normal business hours or
 - (B) To which there is public access as a result of the possession, use, or the nature of the property, without regard to whether access is for business, pleasure, religious worship, the gratification of curiosity or similar purposes, and
 - (C) Includes all structures made open by the occupation of them as government buildings, public schools, taverns, inns, or in any other way.
- (16) "Substantial Improvement" means
 - (A) 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 Travis County for the year preceding the year in which the work is begun; or
 - (B) a change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into more than three loft apartments.
- (17) "System" means a fire alarm, fire extinguishing, or smoke control system.
- (18) "Unincorporated Travis County" means all of the areas of Travis County, Texas, except for the areas within the boundaries of the incorporated cities and towns in Travis County, Texas.

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

71.004 Area of Jurisdiction

- (a) This chapter applies within the unincorporated areas of Travis County, Texas.
- (b) This chapter also applies within those incorporated cities or towns or villages that have adopted this chapter and have executed cooperative agreements with Travis County, Texas, for their enforcement.

71.005 Duties and Powers of Fire Marshal

- (a) The Fire Marshal's Office shall enforce the 2003 Fire Code, the 2009 Fire Code, and the 2015 Fire Code. The Fire Marshal's Office shall be operated under the supervision of the Commissioners Court.
- (b) The Fire Marshal has the authority of and functions as:
 - (1) The Fire Code Official serving Travis County, Texas, and

- (2) The Fire Chief serving Travis County, Texas.
- (c) The Commissioners Court shall appoint the Fire Marshal on the basis of his or her qualifications.
- (d) The Fire Marshal shall recommend to the Commissioners Court that it employ technical inspectors, who, when approval of the positions is made, shall be selected based on their fitness for the position.
- (e) The Fire Marshal's Office has the authority of and functions as the Fire Code Official and the Fire Chief for Travis County, Texas.
- (f) The County Clerk and the Fire Marshal shall each maintain a complete copy of the Travis County Commissioners Court's orders adopting the 2003 Fire Code, the 2005 Fire Code, and this chapter adopting the 2015 Fire Code in their offices for the use of and review by the general public. A complete copy of this chapter includes a copy of the applicable Fire Codes with all appendix chapters incorporated in them by this chapter.

71.006 The 2003 Fire Code, the 2009 Fire Code, and the 2015 Fire Code

Solely for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous material, or explosion in Unincorporated Travis County and except as provided in Chapter 11 of the 2015 edition of the International Fire Code, entitled "Construction Requirements for Existing Buildings"

- (1) The 2003 Fire Code remains in effect with respect to construction of or Substantial Improvements to a Building that occurred between February 1, 2005 and May 31, 2010 and Building Permits issued by Travis County during this time period.
- (2) The 2009 Fire Code remains in effect with respect to construction of or Substantial Improvements to a Building that occurred between June 1, 2010 and July 31, 2015 and Building Permits issued by Travis County during this time period.

71.007 Building and System Permits Required

- (a) No person may perform or authorize construction or Substantial Improvement of any Building in Unincorporated Travis County without first obtaining a Building Permit.
- (b) Any Substantial Improvement to or construction of a Building in Unincorporated Travis County on or after _____ must be made in accordance with the 2015 Fire Code and this chapter.
- (c) No person may perform or authorize any improvements to a Building in Unincorporated Travis County to comply with the requirements of Chapter 11 of the 2015 edition of the International Fire Code, entitled "Construction Requirements for Existing Buildings," without first obtaining a Building Permit.

- (d) Any improvement that is not a Substantial Improvement made to a Building for which a Building Permit was required in Unincorporated Travis County on or after _____ must be done in accordance with the 2015 Fire Code.
- (e) A Building Permit issued under this chapter must specify the Systems that the Building must have and the Applicant must obtain a System permit for each required System.

71.008 Establishment of Board of Review and its Duties and Powers

- (a) There shall be a Board of Review to review of recommendations, decisions or determinations made by the Fire Marshal about the application and interpretation of this chapter and the applicable Fire Code in reviewing Building Permit applications for modifications of the requirements of the applicable Fire Code. The Board of Review is hereby created.
- (b) The Commissioners Court appoints the members of the Board of Review. The members of the Board of Review must be qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous condition or fire protections systems and are not employees of County. The members of the board shall consist of five members having the following qualifications:
 - (1) One member shall be a practicing design professional registered in the practice of engineering or architecture in Texas.
 - (2) One member shall be a qualified engineer, technologist, technician, or safety professional trained in fire protection engineering, fire science, or fire technology. This representative may be a fire protection contractor or a certified technician engaged in fire protections system design.
 - (3) One member shall be a registered industrial or chemical engineer, certified hygienist, certified safety professional, certified hazardous materials manager, or comparably qualified specialist experienced in chemical process safety or industrial safety.
 - (4) One member shall be a contractor regularly engaged in the construction, alteration, maintenance, repair, or remodeling of buildings or building services and systems regulated by this chapter.
 - (5) One member shall be a representative of business or industry not represented by a member from the other categories of board members described in this section.
- (c) Members serve without remuneration or compensation, and may be removed from office before the end of their appointed terms only for cause.
- (d) Members are appointed for terms of four years. Members shall not be reappointed to serve more than two consecutive full terms. Of the first

members appointed, two shall be appointed for a 1 year term, two shall be appointed for a 2 year term, and one shall be appointed for a 3 year term years.

- (e) The Commissioners Court will appoint individuals to fill vacancies for the remainder of the unexpired term in the categories in which original appointments are to be made. Members appointed to fill a vacancy in an unexpired term are eligible for reappointment to two full terms.
- (f) Members may be removed from the board of review before the end of their terms only for cause. The repeated absences by any member from meetings of the board, may, at the discretion of the Commissioners Court, subject that member to immediate removal from the board.
- (g) Three members of the board constitute a quorum. In recommending a variance in the application of any provisions of this chapter or the applicable Fire Code or in modifying a recommendation of the Fire Marshal, affirmative votes of at least three members are required.
- (h) The Fire Marshal is an ex officio member of the board without a vote on any matter before it. The Fire Marshal acts as secretary of the board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.
- (i) The board shall meet as needed to review recommendations of the Fire Marshal concerning variances and denials of Building Permits. The board of review is authorized to hear evidence from applicants and the Fire Marshal pertaining to the application and intent of this chapter and the applicable Fire Code for the purpose of making recommendations pursuant to these provisions. The board has no authority to waive any requirement of this chapter or the applicable Fire Code.
- (j) Members with a material financial interest in a matter before the board shall declare that interest and refrain from participating in discussions, deliberations, and voting on these matters.
- (k) Every decision of the Board of Review shall be included in the materials provided to Commissioners Court when the application for Building Permit is considered by Commissioners Court. These decisions shall be open to public inspection. A copy shall be sent by mail to the applicant.

71.009 Exemptions from Compliance with this Chapter

This chapter does not apply to an industrial facility that has a fire brigade that conforms to requirements of the Occupational Health and Safety Administration.

71.010 Notice

Any notice that must be given under this chapter must be in writing.

The notice is deemed to be given immediately if delivered in person to the person required to receive it.

The notice is deemed to be given on the third day after mailing if it is placed in the United States Mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to Travis County Fire Marshal, at P. O. Box 1748, Austin, Texas 78767 for the Fire Marshal or addressed in accordance with the information given in an application for the Applicant.

71.011 Construction, Precedents, and Interpretation

(a) This chapter shall be construed liberally to accomplish its purpose.

Where no applicable standards are stated in this chapter or contained in other laws, codes, regulations, ordinances or orders adopted by Commissioners Court, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards approved by the Fire Marshal shall be deemed as prima facie evidence of compliance with the intent of this chapter.

Nothing in this chapter shall detract from or lessen the authority of the Fire Marshal to determine compliance with the Fire Code or this Chapter within Unincorporated Travis County. Requirements that are essential for the private or public safety of a building or structure, or for the safety of the occupants of a building or for the general public which are not specifically provided for by this chapter shall be determined by the Fire Marshal.

(b) This chapter does not authorize or permit any activity that is prohibited under the Penal Code or any other state law. If there is any conflict between this chapter and a state law, a rule adopted under a state law, or a municipal ordinance, the stricter of the two provisions prevails.

(c) Headings and titles at the beginning of the various sections of this chapter have been included only to make it easier to locate the subject matter covered by that section or subsection and are not to be used in construing this chapter.

(d) When any period of time is stated in this chapter, the time shall be computed to exclude the first day and include the last day of the period. If the last day of any period falls on a Saturday, Sunday, or a day declared a holiday for County employees, the period is extended to include the next day that is not a Saturday, Sunday, or that holiday.

(e) It is the intention of the Commissioners Court that the phrases, clauses, sentences, paragraphs, and sections of this chapter are severable, and if any phrase, clause, sentence, paragraph, or section of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this chapter, since the same would have been enacted by the Commissioners Court without

incorporation in this chapter of such unconstitutional phrases, clause, sentence, paragraph, or section. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and the application thereof to other persons and circumstances shall not be affected.

- (f) This chapter shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or order repealed by this order or this Fire Code.
- (g) The Commissioners Court shall resolve any question regarding any interpretation of this chapter.

71.012 Effective Date

This chapter takes effect on September 1, 2015.

[71.013 – 71.020 reserved for expansion]

[Subchapters B – C reserved for expansion]

Subchapter D.

[71.021 – 71.063 reserved for expansion]

71.064 Amendments to the 2015 International Fire Code

The 2015 Fire Code adopted by the Commissioners Court consists of the codes and standards, known as the International Fire Code, 2015 Edition, including Appendix Chapters B, C, and D, as published by the International Code Council, with the following amendments:

- (1) Section 101.1 is revised as follows:
 - 101.1 Title. These regulations shall be known as the 2015 Fire Code of Travis County, hereinafter referred to as the “2015 code” in this subchapter and “this code” in the 2015 Fire Code.
- (2) Section 102.1 is revised as follows:
 - 102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:
 - (A) Structures, facilities, and conditions arising after the effective date of the 2015 code;
 - (B) Existing structures and facilities that are the subject of a Substantial Improvement as a Commercial Establishment or a Public Building or a multifamily residential dwelling consisting of

more than three units in Unincorporated Travis County after the effective date of the 2015 code; and

- (C) Existing structures, facilities, and conditions where required by Chapter 11 of this code, entitled "Construction Requirements for Existing Buildings."

- (3) Section 102.2 is revised as follows:

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

- (A) Structures, facilities, and conditions arising after the effective date of the 2015 code;
- (B) Existing structures and facilities that are the subject of a Substantial Improvement as a Commercial Establishment or a Public Building or a multifamily residential dwelling consisting of more than three units in Unincorporated Travis County after the effective date of the 2015 code; and
- (C) Existing structures, facilities, and conditions where required by Chapter 11 of this code, entitled "Construction Requirements for Existing Buildings."

- (4) Section 102.4 is revised as follows:

102.4 Application of other codes. The design and construction of Buildings shall comply with the 2015 code and other codes as applicable.

- (5) Section 102.5 is deleted.
- (6) Subsection 102.6 is deleted.
- (7) Subsection 103.2 is deleted.
- (8) Subsection 103.4 is deleted.
- (9) Subsection 103.4.1 is deleted.

- (10) Section 104.1 is revised as follows:

104.1 General. The fire code official is hereby authorized to enforce the provisions of this code and shall have authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions.

Such interpretations, policies, procedures, rules and regulations shall comply with the intentions and purposes of this code and shall not have the effect of waiving requirements specifically provided for in this code.

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.

- (11) Section 104.7.2 is revised as follows:

104.7.2 Technical Assistance. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report.

The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

The fire code official is authorized to require that reports include a certification that the design, operation or use of the building or premises complies with applicable codes, including International Electrical Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code or Texas Accessibility Standards.

- (12) Section 108 is deleted in full.

- (13) Subsection 109.4 is revised as follows:

109.4 Violation penalties. Persons who violate a provision of the 2015 code or who construct, install, alter, repair or work on a structure or appurtenance to such structure in violation of the approved construction documents or directive of the fire code official or of a Building Permit or certificate used under the provisions of the 2015 code shall be subject to injunctive relief and civil penalties not to exceed \$200 for each day on which the violation exists.

- (14) Subsection 110.1 is revised as follows:

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

- (15) Subsection 111.4 is revised as follows:

111.4 Failure to comply. Any person who continues 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 subject to injunctive relief and civil penalties not to exceed \$200 for each day on which the violation exists.

- (16) Subsection 112.1 is revised as follows:

112.1 –Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the utility provider and, whenever possible, the owner and occupant of the building, structure or service system of the authorization to disconnect utility services prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

- (17) Subsection 201.4 is revised as follows:

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

- (18) In Section 202, the definition for Fire Chief is revised as follows:

FIRE CHIEF. The chief fire marshal serving the jurisdiction of Unincorporated Travis County.

- (19) In Section 202 OCCUPANCY CLASSIFICATION, the following paragraphs under the title “Residential Group R” are revised as follows:

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

- Apartment houses
- Boarding houses (non-transient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (non-transient)
- Live/work units
- Monasteries
- Motels (non-transient)
- Vacation timeshare properties

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

- (20) In Section 202 OCCUPANCY CLASSIFICATION, the list of examples in [B] Miscellaneous Group U is revised to exclude agricultural buildings, barns, carports, grain silos, greenhouses, livestock shelters, private garages, sheds, and stables.
- (21) Subsection 307.2.1 is revised as follows:
307.2.1 Authorization. All outdoor burning shall be done in accordance with Texas Outdoor Burning Rules. If a conflict exists between this code and the Texas Outdoor Burning Rules, then the more stringent rule applies. Where required by state or local law or regulations, open burning shall be permitted only with the prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.
- (22) Subsection 307.4 is revised as follows:
307.4 Location. The location for open burning shall not be less than 50 feet (15249 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15249 mm) of any structure.
Exceptions: Fires in approved containers that are not less than 25 feet (7622 mm) from a structure.
- (23) Section 403 is revised by adding:
403.1.1 Public safety plan. Where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads, or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.
- (24) Section 503.2.1 is revised as follows:
503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.
- (25) Section 507.5.1 is revised as follows:
507.5.1 Where required. A facility or building hereafter constructed or moved into or within the jurisdiction shall have fire hydrants provided. Fire hydrants shall be located within 400 feet of all portions of exterior walls, with a second hydrant within 500 feet, as measured by an

approved route around the exterior of the facility or building. The measurement shall not be taken as a radius.

If a building is required to have an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, or a standpipe system installed in accordance with Section 905, or both a fire hydrant shall be located within 100 feet of the Fire Department Connection.

(26) In Subsection 906.1 number 1 is revised as follows:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies and in Group F and H occupancies that do not have a fire brigade that conforms to requirements of the Occupational Health and Safety Administration.

(27) Subsection 1009.1 is revised as follows:

1009.1 Accessible means of egress required. Accessible means of egress shall comply with this section. Accessible means of egress shall be provided with not less than one accessible means of egress. Where more than one means of egress are required by Section 1006.2 or 1006.3 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress. Accessible means of egress shall comply with both this section and the Architectural Barriers Act, Article 9102, of the Texas Civil Statutes (Texas Accessibility Standards or TAS).

The fire code official is authorized to require the owner, applicant or agent to provide a technical report from a qualified person certifying TAS compliance.

(28) Subsections 3604.1 and 3604.2 are revised as follows:

3604.1 General. Piers, marinas and wharves with facilities for mooring and servicing vessels and marine motor fuel-dispensing facilities shall be equipped with fire protection equipment in accordance with the Travis County Fire Marshal Marina Fire Protection Standard.

3604.2 Standpipes. Piers, marinas, and boatyards shall be equipped throughout with an approved standpipe system. Systems shall be provided with hose connections located such that no point on the marina, pier or float system exceeds 150 feet from a standpipe hose connection.

(29) In Appendix B, Subsection B105.1 revised 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. Table B105.1(1) may be utilized for determining fire flow reduction when approved by the Fire Code Official.

- (30) In Appendix B, Subsection B105.2 is revised 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. Table B105.2 may be utilized for determining fire flow reduction when approved by the Fire Code Official.

- (31) In Appendix D, Section D103.1 is revised as follows:

Access road width with a fire hydrant. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 25 feet (7925mm), exclusive of shoulders. See Figure D103.1.

Exception: Widths less than 25 feet as approved by the fire code official.

- (32) In Appendix D, Section D103.2 is revised as follows:

Exception: Grades from 10 percent to 12 percent must have Type C asphalt surface. Grades of 13 to 15 percent must have Type C Asphalt surface with Grade 5 Chipseal. Grades steeper than 15 percent are not allowed.

- (33) In Appendix D, Section D103.3 is revised as follows:

Turning radius: The minimum turning radius shall be a minimum of 25 feet inside and 50 feet outside.

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

- (34) In Appendix D, Section D103.6 is revised as follows:

Signs. Where curb and guttering exists, all curbs 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 (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

- (35) In Appendix D, the exception to Section D104.2 is revised as follows:
Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems or as approved by the fire code official when topography does not allow a secondary means of fire apparatus access.

[71.065 – 71.950 reserved for expansion.]

[Subchapters E – W reserved for expansion.]

Subchapter X. Building Permit Application Process

71.951 Information Required for Building Permit Application

- (a) The Fire Marshal is authorized to promulgate forms for Building Permit and System permit applications and any other forms the Fire Marshal determines are necessary for administering and enforcing this chapter.
- (b) Each Applicant must provide the following information on an application form prescribed by the Fire Marshal and any other information the Fire Marshal determines is reasonably necessary to process the application:
- (1) The name, date of birth, mailing address, residential street address, and business street address of every owner of the Building;
 - (2) The street address of the Building and the page and volume number or document number of the Official Public Records of Travis County, Texas where the most recent deed to the property on which the proposed Building was recorded;
 - (3) The exact legal description of the property on which the Building is located;
 - (4) If any person listed in response to subsections 71.951 (1) is a partnership, the name, date of birth, mailing address, residential street address, and business street address for each general member of the partnership and any limited partners who own at least a ten percent (10%) interest in the partnership;
 - (5) If any person listed in response to subsections 71.951 (1) is a corporation, the name, date of birth, mailing address, residential street address, business street address of the corporation's registered agent

and the address for service of process on the registered agent of the corporation;

- (6) The type of Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units that is being proposed, and
- (7) The type of variances requested, if any.

71.952 Supporting Documents Required for Building Permit Application

- (a) The Applicant shall submit the following documents with the permit application and fees:
 - (1) One complete set of construction and site plans for the proposed building or System containing all plans and specifications; and
 - (2) If the Applicant is not the owner in fee simple of the proposed Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units, a properly executed power of attorney or other written evidence of the agency agreement between the Applicant and the owner.
- (b) After the Applicant is advised that the plans are ready for approval, the Applicant shall submit:
 - (1) One duplicate set of approved construction and site plans for approval stamping and;
 - (2) One digital set of approved construction and site plans in pdf on disc or any other electronic media reasonably required by the Fire Marshal.
- (c) The Applicant must make the approval stamped construction and site plans available at the construction site during requested or required inspections.

71.953 Building Permit Application Procedure

- (a) A person may apply for a Building Permit or System permit under this chapter by providing the following to the Fire Marshal:
 - (1) An application,
 - (2) Supporting documentation, and
 - (3) A permit fee in accordance with Section 71.954.
- (b) If any person wishes to have a variance to any provision of this chapter or the Fire Code, that person may request the variance at the time of filing the application or at the time the applicant is notified that the Fire Marshal is recommending denial of the Building Permit.

A request for a variance must be based on the proposal of an equivalent method of protection or safety, a claim that the interests of this chapter or the

rules legally adopted under it have been incorrectly interpreted, or a claim that the provisions of this chapter do not fully apply.

If the applicant requests a variance, the Fire Marshal shall review the application and supporting documentation, consider the information in support of the variance provided by the applicant, and recommend the denial or granting of the variance.

Variances may be granted only if the following criteria are met:

- (1) the applicant has shown good and sufficient cause, which involves more than economic hardship,
- (2) it has been determined that failure to grant the variance would result in an exceptional hardship to the applicant,
- (3) granting the variance would not result in increased risks of fire, additional threats to public safety, or extraordinary public expense, would not create nuisances, and would not cause fraud or victimization of the public, and
- (4) the variance is the minimum necessary exception to this chapter or the Fire Code, considering the fire hazard, to afford relief to the Applicant.

- (c) If the Fire Marshal determines that a Building Permit should be denied or that the variance as requested should not be recommended and the Applicant does not agree with that determination, the Fire Marshal shall submit a request for review to the Board of Review.

The Board of Review shall consider reasons for denial of the Building Permit or the request for a variance.

The Fire Marshal shall give the Applicant at least three days' notice before the request for review is considered by the Board of Review.

The Applicant may make a presentation to the Board of Review in support of the Building Permit or the variance as proposed.

After considering the information provided by the Fire Marshal and the Applicant, the Board of Review shall render all recommendations and findings in writing to the Applicant with a duplicate copy to the Fire Marshal. The Fire Marshal shall include a copy of these in the materials provided to Commissioners Court for consideration in making its decision.

- (d) Within thirty days after the date the Fire Marshal receives an application and fee in accordance with Section 71.953(a) the Commissioners Court shall:
- (1) Issue the Building Permit if the application complies with the 2015 Fire Code or if the Commissioners Court determines that a variance should be made to the 2015 Fire Code; or
 - (2) Deny the Building Permit if the plan does not comply with the 2015 Fire Code and the Commissioners Court determines that a variance should not be made to the 2015 Fire Code.

- (e) If the Commissioners Court has not issued or denied the Building Permit within 30 days after the Fire Marshal receives an application and the fee, the building or System is approved for the purpose of this chapter.
- (f) If the Commissioners Court grants a variance, the terms of the variance shall be specifically stated in the Building Permit issued and the permittee shall conform the Building or Substantial Improvements to all applicable provisions of this chapter except those sections for which the variance is specifically granted.

71.954 Fees

- (a) The applicant shall pay the total amount of the fees applicable to the services being requested based on the fee schedule in Table 71-A, which lists the type of permit and services covered by it and when the fees are due. Table 71-A is attached to this chapter.
- (b) The Fire Marshal shall deposit all fees received under this chapter in a special fund in the County treasury, and money in that fund shall be used only for the administration and enforcement of this chapter.

[71.955 – 71.960 reserved for expansion]

Subchapter Y. Methods of Enforcement

71.961 Inspection; Certification of Compliance, Fire Alarm Certificate of Compliance

- (a) The Fire Marshal shall inspect any building or System subject to this chapter to determine if it complies with the 2003 Fire Code, the 2009 Fire Code, or the 2015 Fire Code, as applicable.
- (b) The Fire Marshal may enter and perform inspections at reasonable times at any stage of a building's construction and after completion of the building.
- (c) On or before the date that construction of a building or System subject to this chapter is completed, the Applicant shall request in writing that the Fire Marshal inspect the building or System for compliance with the 2003 Fire Code, the 2009 Fire Code, or the 2015 Fire Code as applicable.
- (d) The Fire Marshal shall begin the inspection of the building or System within two business days after the written inspection request is received; otherwise, the building or System is considered approved for the purpose of this chapter.
- (e) If, after inspection of the completed System, the Fire Marshal determines that the System complies with the 2003 Fire Code, the 2009 Fire Code, or the 2015 Fire Code as applicable, the Fire Marshal shall issue an appropriate final Certificate of Compliance to the owner of the subject property.
- (f) If, after inspection of the permitted construction, the Fire Marshal determines that all required Systems have been approved and that the subject property complies with the applicable Fire Code, the Fire Marshal shall issue a final Certificate of Compliance for the subject property.

71.962 Injunction

The County Attorney may seek injunctive relief in district court to prohibit violations or threatened future violations of this Chapter.

71.963 Civil Penalties

- (a) The Travis County Attorney may file a civil action in a court of competent jurisdiction to recover a civil penalty in an amount not to exceed Two Hundred Dollars (\$200.00) for each day on which violations exist for:
 - (1) Violations of the 2003 Fire Code, the 2009 Fire Code, or the 2015 Fire Code;
 - (2) Violations of or failures to comply with any order made under them;
 - (3) Construction or installation of any structures or systems in violation of any detailed statement of specifications or plans submitted and approved pursuant to the Fire Code, or any certificate or Building

Permit issued pursuant to the Fire Code, and from which no appeal has been taken; or

- (4) Failure to comply with an order pursuant to the Fire Code as affirmed or modified by a court of competent jurisdiction within the required time.
- (b) In determining the penalties payable under Section 71.963(a), the court will consider the seriousness of the violations. The imposition of civil penalties for any violations shall not excuse the violations or allow the violations to continue.
- (c) All penalties collected under this Section shall be used for the purposes set out in Section 71.954(b).
- (d) The application of the civil penalties in this section shall not prevent the enforced removal of prohibited structures, systems, or conditions that violate the Fire Code.
- (e) The County Attorney may not institute suit without the specific authorization of the Commissioners Court.

71.964 Contempt of Commissioners Court

- (a) The Commissioners Court may sanction contempt by fine or confinement under Texas Local Government Code Section 81.023.

Any *person* securing a permit under this chapter does so on the representation to Commissioners Court that the *person* will comply with the terms of the Building Permit and with these requirements and other County regulations.

Violation of these representations to Commissioners Court constitutes contempt of Commissioners Court.

- (b) The Commissioners Court has the power to enforce its Orders by civil contempt.

If the Commissioners Court finds any *person* guilty of contempt, it may enter Orders consistent with general law as it deems appropriate to sanction the *person* guilty of contempt and enter any other orders enforceable by civil and criminal contempt and consistent with its authority under general laws as Commissioners Court deems necessary to enforce and protect its jurisdiction over the matter, and to uphold the integrity of this chapter.

Procedures for contempt proceedings before Commissioners Court are consistent with procedures in action before other courts in this state for enforcement of court orders, and for their protection of the jurisdiction of Courts by the process of contempt.

[71.965 – 71.970 reserved for expansion]

Subchapter Z. Appeal Process

71.971 Appeal Procedure

The applicant may appeal from the decision of the Commissioners Court to the district court within 30 days after the date of the decision appealed in the following circumstances:

- (1) When the Commissioners Court disapproves an application,
- (2) When the Commissioners Court refuses to grant a Building Permit applied for,
- (3) When it is claimed that the provisions of the code do not apply, or
- (4) When it is claimed that the true intent and meaning of the code have been misconstrued or wrongly interpreted.