

ORDER OF  
TRAVIS COUNTY COMMISSIONERS COURT  
AMENDING CHAPTER 71 FIRE CODE  
OF TRAVIS COUNTY CODE

STATE OF TEXAS           §  
COUNTY OF TRAVIS       §

RECITALS

Texas Local Government Code, Chapter 233 authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it, including requiring building permits.

In February, 2005, the Commissioners Court adopted the International Fire Code 2003 revised to address the limits on county authority in Texas. This code:

- requires permits for the construction of commercial establishments and public buildings in Unincorporated Travis County, Texas,
- governs the safe-guarding of life and property from fire 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 in Unincorporated Travis County and
- provides for the issuance of permits and collection of fees.

Since 2003, there have been advances in the technology of fire prevention and newer methods of construction that require different approaches to fire prevention. These have been addressed in the International Fire Code 2009, the most recent version of this code published by the International Code Council.

The Commissioners Court has considered the proposed revised code. Pursuant to its authority under Tex. Loc. Gov't Code, §233.062(d) and based on the improvements in the International Fire Code 2009, the Commissioners Court deems it appropriate to adopt it as the fire code for Unincorporated Travis County, Texas for all construction and Substantial Improvements to Buildings, including changes of occupancy classifications, after the approval of this order because it is in the best interest of the general public to adopt these new standards to protect its health, safety, welfare and property.

With the adoption of this order, the Commissioners Court intends that

(1) Subchapters A, B and C of the Fire Code which were adopted on February 1, 2005 remain effective for the following:

- (a) Improvements to any building for which the final permit for construction was issued by County between February 1, 2005 and the date of this order that are not Substantial Improvements;
- (b) Improvements to any Building for which ground was broken between

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CLERK OF THE COUNTY OF TRAVIS  
TRAVIS COUNTY, TEXAS

February 1, 2005 and the date of this order that are not Substantial Improvements,  
(c) Improvements to any building that was moved into or within  
Unincorporated Travis County between February 1, 2005 and the date of this order that  
are not Substantial Improvements.

(2) Subchapters D and E of the Fire Code which being adopted in this order are  
effective on the date of this order for the following:

(a) Any building for which the final permit for construction is issued by  
County or for which ground is broken after this amendment of this chapter, whichever is  
earlier,

(b) Any building for which the final permit for construction of a Substantial  
Improvement is issued by County or for which the first materials for a Substantial  
Improvement were added to the original property after this amendment of this chapter if  
no ground was broken, whichever is earlier, or

(c) Any building that is moved into or within Unincorporated Travis County  
after this amendment of this chapter.

The fee schedule adopted in this order is based on the type of building proposed and  
reflects the amount necessary to cover the cost of administering and enforcing this chapter.

### ORDER

Pursuant to Chapter 233 of the Texas Local Government Code and sections 1.0051 and  
1.0052 of the Travis County Code, the Commissioners Court orders the following:

1. Chapter 71, Fire Code, including Table 71-A Fees, is added to the Travis County  
Code in the form attached to this order.

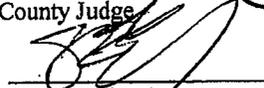
Date of Order: 5-14-10

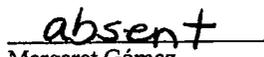
#### TRAVIS COUNTY COMMISSIONERS COURT

  
\_\_\_\_\_  
Ron Davis  
Commissioner, Precinct 1

  
\_\_\_\_\_  
Karen Huber  
Commissioner, Precinct 3

  
\_\_\_\_\_  
Samuel T. Biscoe, County Judge

  
\_\_\_\_\_  
Sarah Eckhardt  
Commissioner, Precinct 2

  
\_\_\_\_\_  
Margaret Gómez  
Commissioner, Precinct 4

# Chapter 71. Fire Code

## *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.
- (b) Travis County adopts this chapter under the authority of TEX. LOC. GOV'T CODE ANN., ch. 233 (Vernon Supp. 2010).

### **§ 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 of Commercial Establishments and Public Buildings in Unincorporated Travis County 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 Unincorporated 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 and order their correction under TEX. LOC. GOV'T CODE, chapter 352. It is intended that this authority be retained to the fullest extent that the law authorizes. 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 prevails.

### **§ 71.003 Definitions**

In this entire chapter and the applicable Fire Code:

- (a) "2003 Fire Code" means the codes and standards in the attached document, 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 § 71.024.

- (b) "2009 Fire Code" means the codes and standards in the attached document, 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 § 71.044.
- (c) "Applicant" means any *person* who is listed on an application for a Building Permit or a System permit in compliance with subsections § 71.951 (1) (4), or (5) or their designee.
- (d) "Building" includes a Commercial Establishment, Public Building or multifamily building consisting of more than three units.
- (e) "Building Permit" means the written authority to commence construction in a manner that complies with this Chapter and the applicable Fire Code to the extent that compliance with them has not been varied and in a manner that is consistent with any variance of the requirements of this chapter and the applicable Fire Code that has been granted by Commissioners Court.
- (f) "Commissioners Court" means the Commissioners Court of Travis County, Texas.
- (g) "County Attorney" means the County Attorney of Travis County, Texas.
- (h) "County Clerk" means the County Clerk of Travis County, Texas.
- (i) "Fire Marshal" means the Fire Marshal of Travis County, Texas or his duly authorized representative.
- (j) "Person" means any natural person, trust, estate, partnership, limited partnership, association, company or corporation.
- (k) "Public Building" means any structure
  - (1) That is open to the public during normal business hours or
  - (2) 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
  - (3) Includes all structures made open by the occupation of them as government buildings, public schools, taverns, inns, or in any other way.
- (l) "System" means a fire alarm, fire extinguishing, or smoke control system.

- (m) "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.

**§ 71.004 Area of Jurisdiction**

- (a) This chapter applies to Unincorporated Travis County.
- (b) This chapter also applies to those incorporated cities or towns or villages that have adopted this chapter and 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 Subchapter B. 2003 Fire Code and Subchapter C. 2009 Fire Code. The Fire Marshal's Office shall be operated under the supervision of the Commissioners Court.
- (b) The Fire Marshal shall have 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 this chapter 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 Adoption of 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, the

Commissioners Court adopts each and all of the regulations, provisions, conditions, and terms of the following Fire Codes:

(1) The 2003 Fire Code as amended in § 71.024 which is added to the Travis County Code as a portion of Chapter 71 Subchapter B. Copies of the 2003 Fire Code are filed with this chapter in the offices of the County Clerk and the Fire Marshal. From February 1, 2005, the provisions of the 2003 Fire Code shall be controlling within Unincorporated Travis County insofar as they establish safety and equipment standards for Commercial Establishments and Public Buildings in Unincorporated Travis County for which a Building Permit was required between February 1, 2005 and May 31, 2010 inclusive unless a Substantial Improvement has been made after May 31, 2010.

(2) The 2009 Fire Code as amended in § 71.044 which is added to the Travis County Code as a portion of Chapter 71 Subchapter C. Copies of the 2009 Fire Code are filed with this chapter in the offices of the County Clerk and the Fire Marshal. From June 1, 2010, the provisions of the 2009 Fire Code shall be controlling within Unincorporated Travis County insofar as they establish safety and equipment standards for the construction or erection of a Building or a Substantial Improvement to a Building in Unincorporated Travis County on or after June 1, 2010.

**§ 71.007 Building and System Permits Required**

- (a) Any Building for which a Building Permit is required for its erection or construction in Unincorporated Travis County on or after June 1, 2010 must be constructed in accordance with the standards propounded for that type of structure in Subchapter C. 2009 Fire Code.
- (b) Any Substantial Improvement to a Building in Unincorporated Travis County on or after June 1, 2010 must be done in accordance with the standards propounded for that type of structure in Subchapter C. 2009 Fire Code.
- (c) Any Commercial Establishment or Public Building for which a Building Permit was required in Unincorporated Travis County between February 1, 2005 and May 31, 2010 inclusive must be maintained in accordance with the standards propounded for that type of structure in Subchapter B. 2003 Fire Code.
- (d) Any Improvement that is not a Substantial Improvement done to a Commercial Establishment or Public Building for which a Building Permit was required in Unincorporated Travis County between February 1, 2005 and May 31, 2010 inclusive must be done in accordance with the standards propounded for that type of structure or use in Subchapter B. 2003 Fire Code.
- (e) *A Person* may not construct a Commercial Establishment or Public Building or multifamily residential dwelling consisting of more than three units in Unincorporated Travis County unless a Building Permit and System permits are issued for it in compliance with Subchapter C. 2009 Fire Code of this chapter.

- (f) A *Person* may not make a Substantial Improvement to a Building for use as a Commercial Establishment or Public Building or multifamily residential dwelling consisting of more than three units in Unincorporated Travis County unless a Building Permit and System permits are issued for it in compliance with Subchapter C. 2009 Fire Code of this chapter.
- (g) Any Improvement that is not a Substantial Improvement done to a Building for which a Building Permit was required in Unincorporated Travis County on or after June 1, 2010 must be done in accordance with the standards propounded for that type of structure or use in Subchapter C. 2009 Fire Code.
- (h) 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 *International 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 fire protection contractors and certified technicians 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) Commissioners Court fills 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. Continued absence of any member from meetings of the board, at the discretion of the Commissioners Court, may render that member liable 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 an 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 about 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 the following operations and they do not have to comply with any procedure to verify the applicability of this exemption:

(1) An industrial facility that has a fire brigade that conforms to requirements of the Occupational Health and Safety Administration.

(2) A building on which construction began before February 1, 2005 unless a Substantial Improvement has been made to it on or after June 1, 2010 or it was Substantially enlarged, altered, repaired, moved or converted between February 1, 2005 and May 31, 2010 and "construction" is deemed to begin on the date that ground is broken for a building, or if no ground is broken, on the date that the first materials are added to the original property.

#### **§ 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 derogates from the authority of the Fire Marshal to determine compliance with standards for these activities or installations within Unincorporated Travis County. Requirements that are essential for the 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 legalize 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) If any portion of this chapter or its application to any *person* or circumstance is held invalid or unconstitutional for any reason, that decision shall not affect the validity or constitutionality of the remaining portion of this chapter. The Commissioners Court declares that it would have passed this chapter, and adopted each section, clause or phrase of it, independent of the elimination from it of any portion that may be declared invalid or unconstitutional. The provisions of this chapter are declared to be severable.
- (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 and any just or legal right or remedy of any character shall not be lost, impaired or affected by this order.
- (g) The Commissioners Court shall resolve any question regarding any interpretation of this chapter.

#### **§ 71.012 Effective Date**

- (a) Section 109 of the 2003 Fire Code is effective May 1, 2005.
- (b) Subchapter B. 2003 Fire Code and the rules, regulations, provisions, requirements, and matters established and adopted by them are effective on February 1, 2005.
- (c) Subchapter C. 2009 Fire Code and the rules, regulations, provisions, requirements, and matters established and adopted by them are effective on June 1, 2010.

[Sections 71.013 through 71.020 reserved for expansion]

#### ***Subchapter B. Buildings Constructed and Substantially Changed February 1, 2005 through May 31, 2010***

#### **§ 71.021 Limits of Applicability**

Subchapter B of this chapter applies to and remains effective for any Commercial Establishment or Public Building for which a Building Permit was required for its erection or construction or for it to be substantially enlarged, altered, repaired or moved in Unincorporated Travis County between February 1, 2005 and May 31, 2010 inclusive unless a Substantial Improvement has been made on or after June 1, 2010.

#### **§ 71.022 Definitions**

In §71.009, this subchapter B., and the 2003 Fire Code:

- (a) "Commercial Establishment" means any place in which any phase of commercial or business activity occurs but does not include the following:
  - (1) places operated as a multifamily dwelling such as apartment houses, lodging houses, or congregate residences accommodating 10 persons or fewer, or
  - (2) private garages, carports, sheds or agricultural buildings.
- (b) "Existing Building" means any of the following:
  - (1) Any building for which the final permit for construction is issued by County or for which ground is broken after the adoption of this chapter, whichever is earlier,
  - (2) Any building for which the final permit for construction of an enlargement, alteration, repair, or conversion is issued by County or for which the first materials were added to the original property after the adoption of this chapter if no ground was broken, whichever is earlier, or
  - (3) Any building that is moved into or within Unincorporated Travis County after the adoption of this chapter.
- (c) "Substantially" means that the cost of enlarging, altering, or repairing the structure is equal to or more than 50% of the most recent appraised value of the structure as determined by the Travis County Appraisal District or the area in the portion of the structure being converted is equal to or more than 50% of the total area of the structure based on its external dimensions.

#### **§ 71.023 Incorporation of Defined Words and Phrases**

If a word or phrase is defined in the 2003 Fire Code, the definitions in that code apply to that word or phrase when it is used in this subchapter unless otherwise defined in § 71.003 or §71.022.

#### **§ 71.024 Amendments to the 2003 *International Fire Code***

The 2003 Fire Code is amended in the following respects:

- (1) Section 101.1 is revised as follows:
  - 101.1 Title.** These regulations shall be known as the *Fire Code of Travis County*, hereinafter referred to as the 2003 code in this subchapter and "this code" in the 2003 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:

1. Structures, facilities, and conditions arising after the effective date of this code;
2. Existing structures and facilities that are substantially enlarged, substantially altered, substantially repaired, moved, removed, demolished, or substantially converted for use as a Commercial Establishment or a Public Building in Unincorporated Travis County after the effective date of this code.

(3) Section 102.2 is revised as follows:

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

1. Structures, facilities, and conditions arising after the effective date of this code;
2. Existing structures and facilities that are substantially enlarged, substantially altered, substantially repaired, moved, removed, demolished, or substantially converted for use as a Commercial Establishment or a Public Building in Unincorporated Travis County after the effective date of this code.

(4) Subsection 102.3 is deleted.

(5) Section 102.4 is revised as follows:

**102.4 Application of other codes.** The design and construction of Existing Buildings shall comply with this code and other codes as applicable.

(6) Subsection 102.5 is deleted.

(7) Subsection 103.2 is deleted.

(8) Subsection 103.4 is deleted.

(9) Subsection 103.4.1 is deleted.

(10) Section 108 is deleted in full.

(11) Subsection 109.3 is revised as follows:

**109.3 Violation penalties.** *Persons* who violate a provision of this code or fail to comply with the requirements of it or who erect, install, alter, repair or do work 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 this code shall be subject to injunctive relief and civil penalties not to exceed \$200 for each day on which the violation exists.

(12) 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.

(13) 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, 11<sup>th</sup> Edition*, shall be considered as providing ordinarily accepted meanings.

(14) In Section 202, the definition for Fire Chief is as follows:

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

(15) In Section 202 **OCCUPANCY CLASSIFICATION**, the paragraphs under the title **[B] Residential Group R** are retained for definitional purposes but no provisions of this code apply to the occupancy classifications described in R-3 or R-4 and the list of examples in **[B] Miscellaneous Group U** is revised to exclude private garages, carports, sheds, barns, grain silos, greenhouses, livestock shelters, stables, and agricultural buildings.

(16) Subsection 307.2.1 is revised as follows:

**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 through 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 through 111.221, then the more stringent rule shall apply. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(17) Subsection 307.3 is revised as follows:

**307.3 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.

(18) Subsection 408.10 and all of its subsections are deleted.

(19) Subsection 804.1.1 is revised as follows:

**804.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, and R-1 occupancies.

(20) Subsection 805 is revised as follows:

**805.1 General.** In occupancies of Groups A, E, I, and R-1 curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with section 805.2 and NFPA 701 or be noncombustible.

In groups I-1 and I-2, combustible decorations shall be flame retardant unless the decorations, such as photographs and paintings are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorations are prohibited.

(21) Table 806.3 is revised to remove the lines for Groups R-3, and R-4.

(22) Subsection 903.2.7 is revised as follows:

**903.2.7 Group R.** An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R-1 and R-2 fire area.

(23) Subsection 903.2.10 is revised as follows:

**903.2.10 All occupancies except Group R-3, R-4 and U.** An automatic sprinkler system installed in the locations set forth in section 903.2.10.1 through 903.2.10.3

**Exception:** Groups R-3, R-4 and U.

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

In all Group A, B, E, I, M, R-1, R-2 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.

(25) In subsection 1018.2 number 2 is deleted.

(26) In Section 910.3.4 the exception is revised as follows:

**Exception:**

1. Areas of buildings or structures that are equipped with an automatic sprinkler system installed in accordance with Section 903.
2. Where areas of buildings are equipped with early suppression fast response (ESFR) sprinklers, draft curtains shall not be provided within

these areas. Draft curtains shall only be provided at the separation between the ESFR sprinklers and the conventional sprinklers.

(27) Subsection 4003.1.1.1.2 is revised as follows:

**4003.1.1.2 Group R occupancies.** Class 4 liquid and solid oxidizers shall not be stored or used within Group R-1 and R-2 occupancies.

(28) In Appendix B subsection B105.1 is deleted.

(29) In Appendix C the exception to section C105.1 is revised as follows:

**Exception:** The chief fire marshal 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.

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

Fire hydrants shall be located within 300 feet of all portions of exterior walls, with a second hydrant within 500 feet. The measurement is taken around the perimeter of the building and down the fire apparatus access road to the hydrant. 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, and a standpipe system installed in accordance with Section 905, a fire hydrant shall be located within 100 feet of the Fire Department Connection.

(30) In Appendix D the 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). See Figure D103.1.

**Exception:** Widths less than 25 feet as approved by the chief fire marshal.

(31) 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 chief fire marshal.

(32) In Appendix D section D103.6 is revised as follows:

**Signs.** Where required by the *fire code official*, fire apparatus access roads shall be marked as follows: 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.

(33) 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 chief when topography does not allow a secondary means of fire apparatus access.

[Sections 71.025 through 71.040 reserved for expansion]

### ***Subchapter C. Buildings Constructed and Substantial Improvements After May 31, 2010***

#### **§ 71.041 Applicability of Subchapter C**

Subchapter C of this chapter is effective for the following buildings:

- (a) Any building for which the final permit for construction is issued by County or for which the Beginning of Construction occurs on or after June 1, 2010, whichever is earlier,
- (b) Any building for which the final permit for a Substantial Improvement is issued by County or for which the Beginning of a Substantial Improvement occurs after May 31, 2010 if no ground is broken, whichever is earlier;
- (c) Any manufactured building or relocated structure that is placed on a foundation on the original property or moved into or within Unincorporated Travis County after May 31, 2010.

#### **§ 71.042 Definitions**

In § 71.007, this subchapter C., and the 2009 Fire Code:

- (a) "Beginning of Construction " means:
  - (1) the date on which ground is broken for a building, or
  - (2) if no ground is broken, the date on which the first of the following occurs:

- (A) the first materials are added to the original property, or
  - (B) foundation pilings are installed on the original property, or
  - (C) a manufactured building or relocated structure is placed on a foundation on a foundation on the original property.
- (b) "Beginning of a Substantial Improvement" means the date on which:
- (1) repair, restoration, reconstruction, improvement, or remodeling starts, or
  - (2) the change in occupancy classification starts, or
  - (3) materials are first delivered for any purpose in (1) or (2).
- (c) "Commercial Establishment" means any place in which any phase of commercial or business activity occurs but does not include the following:
- (1) places operated as a multifamily residential dwelling consisting of less than four units, or
  - (2) private garages, carports, sheds or agricultural buildings.
- (d) "Substantial Improvement" means
- (1) 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
  - (2) 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.

#### **§ 71.043 Incorporation of Defined Words and Phrases**

If a word or phrase is defined in the 2009 Fire Code, the definitions in that code apply to that word or phrase when it is used in this chapter unless otherwise defined in § 71.003 or 71.042.

#### **§ 71.044 Amendments to the 2009 International Fire Code**

The 2009 Fire Code is amended in the following respects:

- (1) Section 101.1 is revised as follows:

**101.1 Title.** These regulations shall be known as the *2009 Fire Code of Travis County*, hereinafter referred to as the “2009 code” in this subchapter and “this code” in the 2009 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:

1. Structures, facilities, and conditions arising after the effective date of the 2009 code;
2. Existing structures and facilities that are the subject of a Substantial Improvement as a Commercial Establishment or a Public Building or a multifamily residential building consisting of more than three units in Unincorporated Travis County after the effective date of the 2009 code.

(3) Section 102.2 is revised as follows:

**102.2 Administrative, operational, and maintenance provisions.** The administrative, operational, and maintenance provisions of the 2009 code shall apply to:

1. Structures, facilities, and conditions arising after the effective date of the 2009 code;
2. 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 2009 code.

(4) Section 102.4 is revised as follows:

**102.4 Application of other codes.** The design and construction of Buildings shall comply with the 2009 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 104.7.2 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, 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.

(8) Section 108 is deleted in full.

(9) Subsection 109.3 is revised as follows:

**109.3 Violation penalties.** *Persons* who violate a provision of the 2009 code or fail to comply with the requirements of it or who erect, install, alter, repair or do work 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 2009 code shall be subject to injunctive relief and civil penalties not to exceed \$200 for each day on which the violation exists.

(10) 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.

(11) 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 serving utility and, whenever possible, the *owner* and occupant of the building, structure or service system of the decision to disconnect 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.

(12) 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, 11<sup>th</sup> Edition*, shall be considered as providing ordinarily accepted meanings.

(13) In Section 202, the definition for Fire Chief is as follows:

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

(14) In Section 202 **OCCUPANCY CLASSIFICATION**,

(A) The following occupancy group is inserted after the end of the description of group entitled **[B] Merchantile Group M** and before the beginning of the group entitled **Residential Group R**:

**Quite Excluded Group Q** Residential occupancies that have been excluded from county authority to establish a Fire Code are not governed by the order adopting the 2009 Fire Code, the 2009 Fire Code, the *International Building Code*, the *International Residential Code* or any other code, standard or regulation incorporated by reference into the 2009 Fire Code. Group Q includes all residential occupancies in multifamily residential buildings that consist of three or fewer units where the occupants are primarily permanent in nature, including

Detached one- and two-family dwellings  
Multiple single family dwellings (townhouses) with three or fewer units in a single building  
Apartments with three or fewer units in a single building

(B) 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 permitted to comply with the construction requirements for Group R-3.

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

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

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

Congregate living facilities with 16 or fewer *persons*.

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

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

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

(15) 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.

(16) Subsection 307.2.1 is revised as follows:

**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 through 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 through 111.221, then the more stringent rule shall apply. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(17) 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.

(18) Subsection 403.2 is revised as follows:

**403.2 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.

(19) 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 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.

(20) Subsection 1007.1 is revised as follows:

**1007.1 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 1015.1 or 1021.1 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.

(21) Subsections 4504.1 and 4504.2 are revised as follows:

**4504.1 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.

**4504.2 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.

(22) In Appendix B subsection B105.1 is deleted.

(23) In Appendix C the exception to section C105.1 is revised as follows:

**Exception:** The *fire code official* 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.

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

Fire hydrants shall be located within 300 feet of all portions of exterior walls, with a second hydrant within 500 feet. The measurement is taken around the perimeter of the building and down the fire apparatus access road to the hydrant. 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.

(24) In Appendix D the 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*.

(25) 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*.

(26) 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.

(27) 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.*

[Sections 71.063 through 71.950 reserved for expansion.  
Subchapters F through W reserved for expansion.]

### ***Subchapter X. Building Permit Application Process***

#### **§ 71.951 Information Required for Building Permit Application**

Before commencement of construction, Building Permit applications for Commercial Establishments, Public Buildings and multifamily residential dwellings consisting of more than three units shall be made in writing to the Fire Marshal on a form prescribed by him and shall contain the following information and any other information 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 Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units;
- (2) The street address of the Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units and the page and volume number of the Real Property Records of Travis County, Texas where the most recent deed to the property on which the proposed Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units will be located was recorded;
- (3) The exact legal description of the Commercial Establishment or Public Building or multifamily residential dwellings consisting of more than three units;
- (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, and business street, the name of the registered agent and 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.
- (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 § 71.954.
- (b) If any *person* wishes an exception to any provision of this chapter or the Fire Code, that *person* may request a 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 interest 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 apply:
  - (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 does not result in an increased risk of fire, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, and
  - (4) the variance is the minimum necessary exception to this chapter or the Fire Code to afford relief to the applicant considering the fire hazard.
- (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 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 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 (30) days after the date the Fire Marshal receives an application and fee in accordance with § 71.953 (a),:
- (1) If the application is made for a Commercial Establishment or Public Building for which a Building Permit was required between February 1, 2005 and May 31, 2010 inclusive in Unincorporated Travis County and a Substantial Improvement has not previously been made on or after June 1, 2010; the Commissioners Court shall
    - (A) issue the Building Permit if the application complies with Subchapter B. 2003 Fire Code or if the Commissioners Court determines that a variance should be made to Subchapter B. 2003 Fire Code; or
    - (B) Deny the Building Permit if the plan does not comply with Subchapter B. 2003 Fire Code and the Commissioners Court determines that a variance should not be made to Subchapter B. 2003 Fire Code.
  - (2) If the application is made for the construction or erection of a Building or a Substantial Improvement to a Building on or after June 1, 2010 in Unincorporated Travis County; the Commissioners Court shall

- (A) issue the Building Permit if the application complies with Subchapter C. 2009 Fire Code or if the Commissioners Court determines that a variance should be made to Subchapter C. 2009 Fire Code; or
  - (B) Deny the Building Permit if the plan does not comply with Subchapter C. 2009 Fire Code and the Commissioners Court determines that a variance should not be made to Subchapter C. 2009 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 permit issued and the permittee shall conform to all applicable provisions of this chapter except the sections for which a variance is specifically granted and shall conform to the specific requirements of the variance.

#### **§ 71.954 Fees**

- (a) To defray the reasonable costs of administering this chapter, the applicant shall pay 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, when the fee is due, and the amount of fees 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.

[Sections 71.955 through 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 Subchapter B. 2003 Fire Code or Subchapter C. 2009 Fire Code, as applicable.
- (b) The Fire Marshal may enter and perform the inspection at a reasonable time at any stage of the 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 Subchapter B. 2003 Fire Code or Subchapter C. 2009 Fire Code, as applicable.

- (d) The Fire Marshal shall begin the inspection of the building or System within two (2) 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 Subchapter B. 2003 Fire Code or Subchapter C. 2009 Fire Code, as applicable, the Fire Marshal shall issue an appropriate final Certificate of Compliance to the owner of a building.
- (f) If, after inspection of the completed building, the Fire Marshal determines that all required Systems have been approved and that the building complies with Subchapter B. 2003 Fire Code or Subchapter C. 2009 Fire Code, as applicable, the Fire Marshal shall issue a final Certificate of Compliance to the owner of a building.

#### **§ 71.962 Injunction**

The County Attorney may seek injunctive relief in district court to prevent the violation or threatened violation 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 the violation exists from any *person* who does any of the following:
  - (1) Violates Subchapter B. 2003 Fire Code or Subchapter C. 2009 Fire Code;
  - (2) Violates or fails to comply with any order made under it;
  - (3) Builds in violation of any detailed statement of specifications or plans submitted and approved under it, or any certificate or Building Permit issued under it, and from which no appeal has been taken; or
  - (4) Fails to comply with an order under it as affirmed or modified by a court of competent jurisdiction within the required time.
- (b) In determining the penalty amount under § 71.963 (a), the court will consider the seriousness of the violation. The imposition of one civil penalty for any violation shall not excuse the violation or Building Permit it to continue.
- (c) All money collected under this Article shall be used for the purpose set out in § 71.954 (b).
- (d) The application of the civil penalties in this section shall not prevent the enforced removal of prohibited conditions.

- (e) Travis County may not institute civil suits unless the Commissioners Court has authorized the institution of the suit.

#### **§ 71.964 Contempt of Commissioners Court**

- (a) Commissioners Court may sanction contempt by fine or confinement under TEX. LOC. GOV'T CODE, § 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) 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.

[Sections 71.965 through 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.