

Chambers County Fire Code



Adopted by Chambers County Commissioners Court on: May 24, 2011

Amended October 28, 2014

**CHAMBERS COUNTY
COMMISSIONERS COURT ORDER
May 24, 2011**

**COMMISSIONERS COURT ORDER
ADOPTION OF FIRE CODE**

WHEREAS, 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; and


WHEREAS, the Commissioners Court finds that adopting a fire code and requiring permits for the construction of commercial establishments, public buildings, and multi-family dwellings with four or more units in the unincorporated areas of Chambers County, Texas, allows the County to impose standards to protect the health, safety, welfare and property of the general public. This Code 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 Chambers County.

WHEREAS, the *International Fire Code*, 2009 edition, published by the International Code Council, provides appropriate protective measures and continuity with other local governments in Chambers County and surrounding areas.

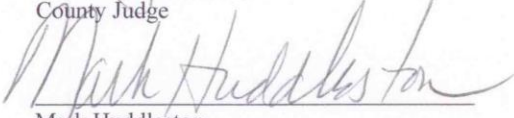
WHEREAS, the Commissioners Court has considered the proposed code and deems it appropriate to adopt it as the fire code for the unincorporated areas of Chambers County, Texas.

BE IT THEREFORE ORDERED that, pursuant to Texas Local Government Code § 233.061 *et seq.*, a Chambers County Fire Code, a copy of which is attached hereto and incorporated here in for all purposes, be adopted, to become effective May 24, 2011.

APPROVED, this 24th day of May, 2011.



Jimmy Sylvia
County Judge



Mark Huddleston
Precinct 1 Commissioner


David "Bubba" Abernathy
Precinct 2 Commissioner


Gary Nelson
Precinct 3 Commissioner


A.R. "Rusty" Senac
Precinct 4 Commissioner


ATTEST: Heather Hawthorne
County Clerk

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CHAMBERS COUNTY FIRE CODE

PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 1.1 - AUTHORITY

This Code is adopted as a fire code by the Commissioners Court of Chambers County, Texas, acting in its capacity as the governing body of Chambers County. The authority of Chambers County to adopt this Code and the contents hereof is derived from Chapter 233, Subchapter C, Texas Local Government Code, §233.061 et seq., as amended. This Code shall apply to public buildings, commercial establishments, and multi-family dwellings with four or more units for which Construction or Substantial Improvement, as defined in this Code, begins after the effective date of this Fire Code. This Code may be amended at any time by a majority of Commissioners Court.

SECTION 1.2 – SCOPE OF REGULATIONS

This Code applies in unincorporated areas of Chambers County, Texas after the effective date of this Code.

SECTION 1.3 - PURPOSE

The purpose of this Code is to provide minimum requirements, with due regard to function, for the design and Construction or Substantial Improvement of Public Buildings, Commercial Establishments, and Multi-Family Residential Dwellings consisting of four or more units to reduce the risk to life and property from fire. Fire safety in regard to operation and use of buildings and structures after construction, whether or not their construction was subject to this Code, may be enforced independent of this Code by the County Fire Marshal in accordance with applicable law, including but not limited to his independent authority to inspect for the presence of fire and life safety hazards and order their correction under Chapter 352 of the Texas Local Government Code. This Code is not intended in any way to limit the statutory authority of the County Fire Marshal, and it is intended that such authority be retained to the fullest extent that the law would authorize. The applicable code for existing buildings facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this Code, is the *International Fire Code*, 2009 Edition, to the extent the code applies to existing structures, buildings, and conditions per Section 102, including additions, insertions, deletions and changes, prescribed in “Exhibit A” hereto.

SECTION 1.4 - CONSTRUCTION OF REGULATIONS

This Code is to be construed liberally to accomplish its purpose. Nothing herein shall derogate from the authority of the Fire Code Official to determine compliance with codes or standards for those activities or installations within the Fire Code Official’s jurisdiction or responsibility. Requirements that are essential for the public safety of a building or structure or for the safety of the occupants thereof or the general public, which are not specifically provided for by this Code, shall be determined by the Fire Code Official. The codes and standards referenced in this Code shall be those that are listed in Chapter 47 of the *International Fire Code*, 2009 Edition, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of such reference. Where differences occur between the provision of this Code and the referenced standards, the provisions of this Code shall apply. Where there is a conflict between a

general requirement and a specific requirement within this Code, the specific requirement shall be applicable.

SECTION 1.5 - ABROGATION

This Code is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions.

SECTION 1.6 - WARNING AND DISCLAIMER OF LIABILITY

The degree of fire protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. This Code does not imply that any building or the uses permitted within any building will be free from a fire hazard. This Code shall not create liability on the part of Chambers County or any officer or employee thereof for any damages that result from reliance on this Code or any administrative decision lawfully made thereunder. The granting of a permit or issuance of a Certificate of Compliance does not imply that the building can be insured for fire coverage.

SECTION 1.7 - FINDINGS OF FACT

It is hereby found by the Commissioners Court of Chambers County that fires have occurred in the past within its jurisdiction and are likely to occur in the future, and that damage to property and loss of life occurs for many reasons including fires that could have been prevented or minimized by providing additional safety guards to provide adequate egress time and protection for people exposed to fire.

SECTION 1.8 - BASIS FOR REGULATION

The Chambers County Fire Code shall consist of this Code plus the *International Fire Code*, 2009 Edition, and all of its references, which code and appendices are incorporated herein as if fully set out herein, with the additions, insertions, deletions and changes, prescribed in “Exhibit A” hereto.

PART 2 - USE OF TERMS

SECTION 2.1 - CERTIFICATE OF COMPLIANCE

A “Certificate of Compliance” means a certificate issued by the Fire Code Official indicating Construction or Substantial Improvement is in compliance with the Chambers County Fire Code as of a specific date and for a specific occupancy. The certificate may be filed in the Real Property Records as outlined in Section 7.1 of this Code. A Certificate of Compliance under this Fire Code shall not be construed as authorizing the owner or operator of any building to afterward operate or maintain such building in such a way as to create, cause or allow the existence of a fire or life safety condition, which condition shall be subject to the independent enforcement authority of the County Fire Marshal.

SECTION 2.2 - CERTIFICATE OF NON-COMPLIANCE

A “Certificate of Non-Compliance” means a certificate issued by the Fire Code Official indicating Construction or Substantial Improvement is not in compliance with the Chambers County Fire Code as of a specific date. This certificate may be filed in the Real Property Records as outlined in Section 7.1 of this Code.

SECTION 2.3 - CONSTRUCTION

“Construction” means the initial permanent construction of a Public Building, a Commercial Establishment, or a Multi-Family Residential Dwelling consisting of four or more units, and all related improvements on a site. A permit is required prior to the start of any construction. For purposes of this Code, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:

- (a) the first materials are added to the original property;
- (b) foundation pilings are installed on the original property; or
- (c) a manufactured building or relocated structure is placed on a foundation on the original property.

SECTION 2.4 – EXISTING

“Existing” means buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this Code.

SECTION 2.5 – FIRE CODE OFFICIAL

“Fire Code Official” means the Fire Marshal of Chambers County, or a designee of such individual.

SECTION 2.6 - COUNTY FIRE MARSHAL

“County Fire Marshal” means the holder of the statutory office of County Fire Marshal for Chambers County or the employee(s) designated by the County Fire Marshal to perform a task required by this Code.

SECTION 2.7 - PERSON

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons. Not included is a State Agency that is authorized to prevent and extinguish forest and grass fires.

SECTION 2.8 - PUBLIC BUILDINGS AND COMMERCIAL ESTABLISHMENTS

“Public Buildings and Commercial Establishments” includes, but is not limited to auditoriums, classrooms, churches, libraries, restaurants, theaters, schools, daycare facilities, nursing homes, hospitals, correctional facilities, hotels, motels, dormitories, department stores, shopping centers, doctor offices, general offices, laundries and warehouses. Not included in this definition is an industrial facility having a fire brigade that conforms to requirements of the Occupational Safety and Health Administration.

SECTION 2.9 - SUBSTANTIAL IMPROVEMENT

A “Substantial Improvement” is:

(a) the repair, restoration, reconstruction, improvement, or remodeling of a public building, a commercial establishment, or a multifamily residential dwelling consisting of four or more units for which the cost exceeds 50% of the building’s value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was 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 a loft apartment. For purposes of determining if an improvement is a Substantial Improvement, the applicant for a permit must submit data reflecting cost of the improvement, restoration, reconstruction, improvement or remodeling. Costs shall include the value of all labor and materials. For purposes of this Code, Substantial Improvement begins on the date that the repair, restoration, reconstruction, improvement, or remodeling or the change in occupancy classification begins or on the date materials are first delivered for that purpose. The Fire Code Official may require the submittal of an independent certified damage assessment in cases where the structure has suffered other than minor damage.

SECTION 2.10 - UNINCORPORATED AREA

“Unincorporated Area” means the area in Chambers County, Texas, which is not within an incorporated area of a city, town, or village.

PART 3 - GENERAL PROVISIONS

SECTION 3.1 – ADMINISTRATION BY THE FIRE CODE OFFICIAL

The Fire Code Official or the Fire Code Official's designee is responsible for the administration of this Code, issuance of permits required by this Code, enforcement of this Code and maintenance of proper records.

SECTION 3.2 - RESPONSIBILITY OF THE FIRE CODE OFFICIAL

The Fire Code Official or the Fire Code Official's designee may conduct inspections provided for in this Code.

SECTION 3.3 - RESPONSIBILITY OF OTHER OFFICIALS

Under this Code the Fire Code Official is responsible for all administrative decisions, determinations and duties. The Fire Code Official may seek and secure the assistance of other officials of Chambers County in making decisions and determinations and in performing the administrative duties but is not required to conform to the recommendations of others, provided however, any decision by the Fire Code Official may be appealed by the process in Section 6.1 of this Code.

PART 4 - PERMITS

SECTION 4.1 - PERMITS REQUIRED

Construction Permit - No person shall perform or authorize Construction or Substantial Improvement within the unincorporated areas of Chambers County without first securing a permit under this Code.

No other permits shall be required under this code.

SECTION 4.2 - APPLICATION FOR PERMIT

The application for a permit will be on a form prescribed by the Office of Environmental Health & Permitting and must be supported by the following:

(a) Two complete sets of construction and site plans, drawn to scale for the proposed building or system containing all specifications including the following:

- (1) the types of construction materials and class of interior finish;
- (2) the location of all exits with distances between exits called out – exit width, type and any special requirement shall be stated; and
- (3) the location of any fire alarm equipment, automatic sprinklers, emergency lighting, etc. required to meet this Code.

(b) A permit fee

If unable to determine from the information submitted whether a permit should be issued, the Fire Code Official may require the submission of additional information, drawings, specifications or documents.

SECTION 4.3 - DETERMINATION OF PERMIT ELIGIBILITY

After the application is filed, the Fire Code Official shall determine if the proposed public building, commercial establishment, or multifamily residential dwelling consisting of four or more units meets the minimum requirements of this Code based on the information provided.

(a) If it is determined the proposed Construction or Substantial Improvement meets the requirements, then a permit will be issued after the collection of the appropriate fees.

(b) If it is determined that the proposed Construction or Substantial Improvement does not comply with the requirements of this Code, then the application package shall be returned to the applicant with an explanation of why it was not approved.

SECTION 4.4 - ISSUANCE OF PERMITS

When the Fire Code Official determines a permit shall be issued, the Office of Environmental Health & Permitting shall issue the permit after the proper fee is collected.

SECTION 4.5 - TERM OF PERMITS

Construction or Substantial Improvement must be started within 365 days of the date the permit is issued or the permit shall be null and void. Upon written request, an extension may be granted.

PART 5 - PERMITTEE

SECTION 5.1 - RESPONSIBILITIES OF ALL PERMITTEES

All permit holders, must:

- (a) post the permit on the jobsite in a place visible from the nearest road or street;
- (b) post and maintain the street number on the jobsite in a place visible from the road or street and in a manner meeting the requirements of the standards for permanent numbers set forth in *The International Fire Code*, 2009 Edition Section 505.1; and
- (c) allow the Fire Code Official to inspect the work pursuant to a permit. The Fire Code Official may make as many scheduled or unscheduled inspections as deemed necessary to enforce this Code. All holders of a permit issued pursuant to this Code that wish to make a change to the proposed Construction or Substantial Improvement of the public building, commercial establishment, or multifamily residential dwelling consisting of four or more units or to perform any Construction or Substantial Improvement other than as authorized by the permit must submit supplemental drawings and/or specifications to the Fire Code Official for review. If the changes do not comply with this Code, the Fire Code Official shall not approve the change. If a change complies with this Code and is approved, a copy of the supplemental drawings and/or specifications shall be added to the permittee's file, and the Fire Code Official shall amend the permit.

SECTION 5.2 - INSPECTIONS

- (a) The permittee shall ensure their Engineer, Architect, or International Code Council Certified Building Official (ICC-CBO) has made sufficient inspections so that they can complete a "Request For Final Inspection" form as outlined below.
- (b) When the Construction or Substantial Improvement is complete and ready for occupancy, a "Request For Final Inspection" form supplied by the Fire Code Official must be completed, signed and sealed by a licensed engineer authorized to practice in the State of Texas, a registered architect authorized to practice in the State of Texas, or an ICC-CBO, indicating that, to the best of his or her knowledge, all the minimum requirements of this Code have been met. If the building has an automatic fire protection system, a completed Form 009 as promulgated by the State Fire Marshal's office shall be included with the "Request For Final Inspection" form. Receipt by the Fire Code Official of a completed, signed and sealed request form will serve as a request for final inspection.
- (c) Once a completed, signed and sealed form has been turned into the Fire Code Official, and the Fire Code Official determines, after a final occupancy inspection is conducted, that the Construction or Substantial Improvement complies with this Code, the Fire Code Official will issue a Certificate of Compliance. Should the Fire Code Official determine that the applicable certifications have not been provided and/or the provisions of Section 5.1 of this Code were not followed, then enforcement procedures as outlined in Part 7 shall commence. No person shall occupy a public building, a commercial establishment, or a multifamily residential dwelling

consisting of four or more units that the Fire Code Official determines, after inspection, not to be in compliance with this Code unless and until a Certificate of Compliance is subsequently issued for such building, establishment or dwelling.

(d) Should the Fire Code Official have to make additional inspections due to non-compliance with this Code, additional fees may be assessed.

PART 6 - APPEALS AND HEARING PROCEDURES

SECTION 6.1 - APPEALS

If a permit applicant is denied a permit, the applicant may appeal the denial as provided in this Section. The term “appellant” is used to refer to the appealing party. An appellant must seek remedy under this procedure before seeking remedy in court. Application for a permit is deemed to be a waiver of the right to challenge this Code before exhausting remedies herein provided.

- (a) To initiate an appeal an appellant must submit a written request for an exception to this Code to the Development Review Committee, which has been appointed by Commissioners Court.
- (b) The Chair of the Development Review Committee appointed by Commissioners Court will set a time for a hearing, which will be scheduled as soon as practicable, preferably 15 days of the receipt of the written request, and shall prepare a Notice naming the time and date of the hearing. Copies shall be distributed as follows:

- (1) The Chair of the Development Review Committee will create a working or hearing file with one copy contained therein.
- (2) The Chair of the Development Review Committee will give one copy to the Appellant.
- (3) The Chair of the Development Review Committee will deliver one copy to the Fire Code Official.

- (c) An appeal will not abate the decision of the Fire Code Official pending the decision of the Development Review Committee. The hearing will be conducted as provided in Section 6.2 below.

SECTION 6.2 - HEARING BEFORE THE DEVELOPMENT REVIEW COMMITTEE

At hearings before the Development Review Committee, the Development Review Committee will hear the testimony of the Fire Code Official and any witnesses called by the Fire Code Official. The Development Review Committee will hear the testimony of the appellant and any witnesses called by the appellant. The Development Review Committee will review all documents and exhibits submitted by the parties. The Development Review Committee will not be bound by formal rules of evidence and will control the evidence, reserving the power to exclude testimony or exhibits they do not consider relevant. The Chair of the Development Review Committee will maintain an accurate record of the evidence adduced at the hearing.

SECTION 6.3 - FILING OF COMMITTEE'S DECISION

The Chair of the Development Review Committee will prepare a written decision as soon as possible, preferably within three working days of the hearing. A copy of the decision will be filed with the Clerk of Commissioners Court, the members of the Commissioners Court, and with the Fire Code Official. The original will be sent to the appellant's address shown on the permit or permit application. If a variance is granted, the Fire Code Official shall prepare the appropriate permit with any special requirements that may be required by the conditions of the variance.

SECTION 6.4 - REVIEW BY COMMISSIONERS COURT

If the Fire Code Official or the appellant wishes to appeal the Development Review Committee's decision, a written objection must be filed with the Clerk of Commissioners Court within ten (10) days of the date the Development Review Committee's decision is filed. The Clerk will notify the Chair of the Development Review Committee who will place the matter on the Agenda of Commissioners Court for review at the next meeting of Commissioners Court. If the Fire Code Official files the objection, notice that the matter is on the Agenda will be sent to the appellant by mail at the appellant's address shown on the permit or application. Commissioners Court will review the matter. The Commissioners Court may either affirm or reverse the decision of the Development Review Committee. The Fire Code Official's decision will remain in effect pending the review of Commissioners Court.

SECTION 6.5 – VARIANCES

If any person wishes an exception to any provision of this Code, that person shall request a variance in the manner prescribed for the filing of an appeal. The Development Review Committee shall hold a hearing, and deny or grant the variance. Variances will be granted only if the following are met:

- a) the applicant has shown good and sufficient cause;
- b) it has been determined that failure to grant the variance would result in an exceptional hardship to the applicant;
- c) the granting of a variance will not result in an increased risk of fire, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud or victimization of the public; and
- d) variances shall only be issued upon a determination that a variance is the minimum necessary, considering the fire hazard, to afford relief.

Economic hardship shall not constitute the sole basis for granting a variance. A hearing before Commissioners Court regarding variances shall be requested in the manner provided in Section 6.4 of this Code. If a variance is granted a permit shall be issued and the permittee shall conform to all applicable provisions of this Code except the Sections for which a variance is granted.

PART 7 - ENFORCEMENT

SECTION 7.1 - ENFORCEMENT

- (a) If any person violates any provisions of this Code, the Fire Code Official may notify the County Attorney and request that the County Attorney take whatever action is necessary to remedy the violation, including but not limited to filing suit to enjoin the violation and/or seek a civil penalty under Texas Local Government Code § 233.067 of up to \$200 for each day a violation exists. If a violation continues, Chambers County may file a Certificate of Non-Compliance in the Real Property Records of Chambers County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Chambers County. The violator shall bear any costs of effecting compliance.
- (b) The County Fire Marshal or his designee(s) may issue citations for violations of this Code or the *International Fire Code*, 2009 Edition, including additions, insertions, deletions and changes, prescribed in "Exhibit A" hereto. An offense is punishable by a fine not exceeding \$500.00.
- (c) All monies collected under this section shall be placed in a fund under control of the County Auditor and used only for the administration and enforcement of the Code.

SECTION 7.2 - VIOLATION OF CONDITIONS OF REGULATIONS

Any person having knowledge of a violation of this Code may file a complaint with the Fire Code Official.

SECTION 7.3 - CONTEMPT OF COMMISSIONERS COURT

Commissioners Court may punish contempt by fine or imprisonment in accordance with the provisions of Section 81.023, Texas Local Government Code, as amended. Any person securing a permit under this Code does so on the representation to Commissioners Court that he or she will comply with the terms of the permit and with these requirements and other County regulations. Violations of such representations to Commissioners Court constitute contempt of Commissioners Court. Additionally, Commissioners Court has the power to enforce its Orders by civil contempt. If the Commissioners Court finds the defendant to be guilty of contempt, it will enter such Orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and will enter such other and further 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 Code. Procedures for contempt proceedings before Commissioners Court will be consistent with procedures in actions before other courts in this State for enforcement of Court Orders, and for the protection of the jurisdiction of Courts by the process of contempt.

PART 8 – FORMS, RECORDS, AND FEES

SECTION 8.1 - FORMS

Forms to be used in the administration of this Code shall be promulgated by the Fire Code Official.

SECTION 8.2 - MAINTENANCE OF RECORDS

The Fire Code Official must maintain all applications for, and file copies of, permits for a retention period of three (3) years. Drawings and specifications on file with the Fire Code Official may be returned or destroyed after completion of the structure.

SECTION 8.3 – FEES

Permits for Construction or Substantial Improvement will be issued by the Chambers County Office of Environmental Health & Permitting.

1. Permits for Construction and Substantial Improvement will be charged fees. These fees will be assessed when applying for a permit.
2. Fees will be assessed by the Chambers County Office of Environmental Health & Permitting.
3. Fees required under this code are established by a separate Chambers County Commissioners' Court Order.

PART 9 – SEVERABILITY AND CONSTRUCTION

The provisions of this Code are severable. If any word, phrase, clause, sentence, section, provision or part of this Code should be invalid or unconstitutional, it shall not affect the validity of the remaining portions and it is hereby declared to be the intent of the Commissioners Court that this Code would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of this Code might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

EXHIBIT A

ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO INTERNATIONAL FIRE
CODE, 2009 EDITION

The following additions, insertions, deletions, and changes are made to the *International Fire Code*, 2009 Edition, as adopted by Chambers County.

The definitions of **Fire Chief, Fire Code Official, and Occupancy Classification** in Section 202 are amended to read:

FIRE CHIEF. The Chambers County Fire Marshal.

FIRE CODE OFFICIAL. The Chambers County Fire Marshal or a designee of such individual.

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

[B] Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care for *persons* who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Child care facilities
- Detoxification facilities
- Hospitals
- Mental hospitals
- Nursing homes

Exception: Existing Group I-2 occupancies are permitted to comply with the current fire & life safety requirements of the licensing agency.

Group I-4, day care facilities. This group shall include buildings and structures occupied by *persons* of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the *person* cared for. A facility such as the above with five or fewer *persons* shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group R-3.

Child care facility. Child care facilities that provide supervision and personal care on less than a 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

Exceptions:

1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.
2. A child day care facility located in a single-family dwelling that provides care for up to 12 children of any age is permitted to comply with the current fire & life safety requirements of the licensing agency.

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

Buildings that do not contain more than two *dwelling units*. 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*.

Foster Care Homes and Adoption Homes with less than 7 children shall comply with the current fire & life safety requirements of the licensing agency.

The following occupancy definition is added under Residential Group R:

RV – Recreational vehicle parks and campgrounds offering temporary living sites for use by recreational vehicles, recreational park trailers, and other camping units shall comply with this code and NFPA 1194 2011 Edition.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code of Chambers County*, hereinafter referred to as “this code.”

Sections 105 and 108 are deleted in their entirety.

Section 109.2 is amended to read as follows:

109.2 Notice of violation or citation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation or citation (as applicable under state law) describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection or appearance in court.

Section 109.3 is amended to read as follows:

109.3 Violation penalties. *Persons* who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.3.2 is added:

109.3.2 Offense penalties. Penalties for citations issued by the Fire Marshal or his designee shall be as listed below, plus court costs.

<u>Code</u>	<u>Section</u>	<u>Offense</u>	<u>Fine</u>
Fire	5.2(c)	Occupancy prohibited - (Occupancy before issuance of Certificate of Compliance)	\$500.00
Fire	109.1 4.1	Unlawful Acts Working without permit	\$250.00
Fire	109.2.2	Failure to comply with orders and notices	\$100.00 to \$500.00
Fire	109.2.4	Unauthorized tampering or removal - (tag, seal, sign, or posting)	\$250.00
Fire	110.2	Unsafe building-evacuation	\$500.00
Fire	503.4	Obstructing a Fire Lane	\$500.00
Fire	1030.3	Obstructing Means of Egress	\$500.00
Fire/Building	All others	All other violations	\$100.00 to \$500.00

Section 109.4 is added:

109.4 Enforcement authority of County Fire Marshal. The enforcement procedures set forth in this Section shall not be construed to limit the Fire Marshal’s inspection and enforcement authority under Section 352.016 of the Texas Local Government Code or the availability of criminal penalties under Section 352.022 of the Texas Local Government Code.

Section 111.4 is amended to read as follows:

111.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that work continues after a stop work order has been served shall be deemed a separate offense.

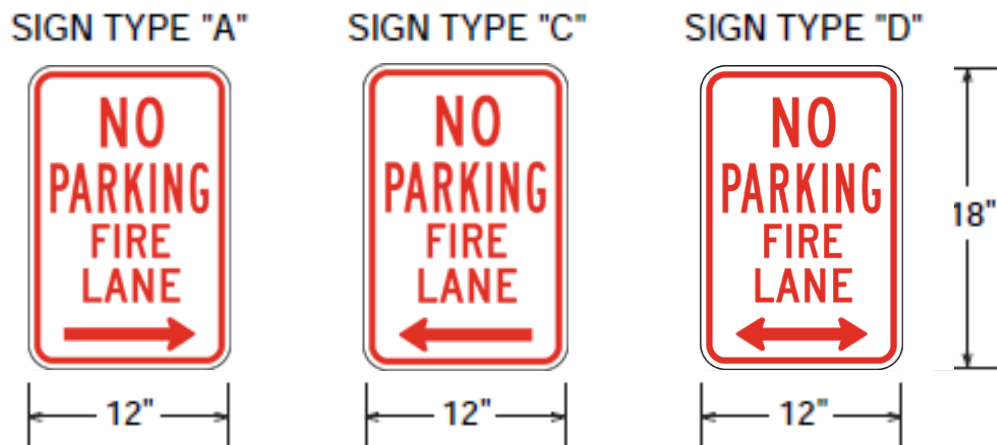
The definition of FIRE LANE in Section 502.1 is amended to read:

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. Fire lane shall mean any area appurtenant to entrances or exits of a building deemed necessary by the Fire

Marshal or his designee to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits, or any fire hydrant. Fire lanes identified or designated by the Fire Marshal or his designee shall be conspicuously marked and identified as set out in this code.

Section 503.3.1 is added:

503.3.1 Marking of fire lanes. Each fire lane shall be continuously marked on both sides of such lane with red paint, either on the curb or where the curbs are not present, with a continuous line not less than four inches wide. On the red painted surfaced, the wording “NO PARKING – FIRE LANE” in white letters three inches high shall be conspicuously and legibly marked and applied at each end and at least every 25 feet. Where surface materials or conditions do not allow marking of lanes with red paint, fire lane signs shall be installed no lower than six feet or higher than seven feet above the ground as measured from the bottom of the sign. A fire lane sign shall be installed at each end of the fire lane with arrows pointing toward each other (Type “A” or “C”). Additional signs (Type “D”) shall be installed every 25 feet along the fire lane. There shall not be less than two signs in each continuous fire lane. Fire apparatus access roads 20 to 26 feet wide shall have signs posted on both sides as a fire lane. Fire apparatus access roads more than 26 feet wide shall be required to have signs posted on only one side of the road as a fire lane. Signs shall have red letters on a white reflective background and be designed as indicated below.



Sections 506.1, 506.1.1, and 506.2 are amended to read as follows:

**SECTION 506
LOCK BOXES**

506.1 Where required. Lock boxes of an approved type are required for all new gated communities and multi-unit housing projects.

Section 507.1 is amended by adding the following sentence:

A water supply as otherwise required by this section will not be required if the responsible emergency services district or fire department provides a letter stating they can provide sufficient fire flow for the specific project.

Section 510 is deleted in its entirety.

Section 3309 is amended to read as follows:

SECTION 3309

FIREWORKS 1.4G RETAIL STORAGE, DISPLAY, AND SALE

3309.1 General.

Design and construction of buildings in which Fireworks 1.4G are to be stored, sold, and/or displayed shall comply with this code and the **Texas Fireworks Rules, current edition, as promulgated by the Texas State Fire Marshal.**

Section 4604.1 is amended to read as follows:

Means of egress in existing buildings shall comply with the minimum egress requirements when specified in Table 4603.1 as further enumerated in Sections 4604.2 through 4604.23, and the building code that applied at the time of construction. Where the provisions conflict, the most restrictive provision shall apply. Existing buildings that were not required to comply with a building code at the time of construction shall comply with the minimum egress requirements when specified in Table 4603.1 as further enumerated in Sections 4604.2 through 4604.23.

Section 1004 shall apply to existing buildings. Egress requirements not addressed by this section shall be determined by utilizing the State's current adopted edition of NFPA 101 Life Safety Code.

Appendix A is not adopted.

Appendix B is adopted in its entirety.

Appendix C is adopted in its entirety.

Appendix D is adopted in its entirety.

Appendix E is adopted in its entirety.

Appendix F is adopted in its entirety.

Appendix G is adopted in its entirety.

Appendix H is adopted in its entirety.

Appendix I is adopted in its entirety.

Appendix J is adopted in its entirety.

EXHIBIT B

FEE SCHEDULE

Fee schedule established separately by a Chambers County Commissioners' Court Order.