

# Chambers County Fire Code



Adopted by Chambers County Commissioners Court on: June 27, 2017  
Amended by Chambers County Commissioners Court on: January 22, 2019

# TABLE OF CONTENTS

**PART 1 - ADMINISTRATION AND PRELIMINARY PROVISIONS .....4**

**PART 2 - USE OF TERMS.....7**

**PART 3 - GENERAL PROVISIONS .....9**

**PART 4 - PERMITS..... 10**

**PART 5 - PERMITTEE .....12**

**PART 6 - APPEALS AND HEARING PROCEDURES.....15**

**PART 7 - ENFORCEMENT.....17**

**PART 8 - FORMS AND RECORDS.....18**

**PART 9 - SEVERABILITY AND CONSTRUCTION .....19**

**EXIHIBIT A – ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO  
*INTERNATIONAL FIRE CODE, 2015 EDITION .....20***

**CHAMBERS COUNTY  
COMMISSIONERS COURT ORDER  
June 27, 2017**

**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; and

WHEREAS, on May 24, 2011, the Commissioners Court adopted the *International Fire Code*, 2009 edition, published by the International Code Council; and


WHEREAS, the International Code Council has since revised and updated the *International Fire Code*; and

WHEREAS, the *International Fire Code*, 2015 Edition, published by the International Code Council, provides appropriate protective measures and continuity with other local governments in Chambers County and surrounding areas; and


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 herein for all purposes, be adopted, to become effective June 27, 2017. This Order replaces all previous Commissioners Court Orders adopting a fire code.

APPROVED, this 27th day of June, 2017.

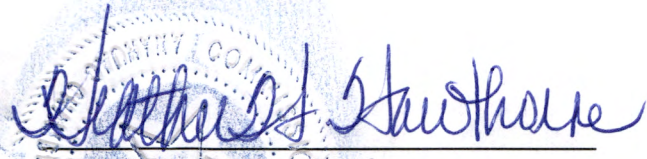
  
\_\_\_\_\_  
Jimmy Sylvia  
County Judge

  
Jimmy Gore  
Precinct 1 Commissioner

  
Larry George  
Precinct 2 Commissioner

  
Gary Nelson  
Precinct 3 Commissioner

  
A.R. "Rusty" Senac  
Precinct 4 Commissioner



ATTEST: Heather Hawthorne  
County Clerk



# CHAMBERS COUNTY FIRE CODE

## PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS SECTION 101

**101.1 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, Section, §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 Code. This Code may be amended at any time by a majority of Commissioners Court.

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

**101.3 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, shall 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.

**101.4 Construction of regulations.** This Code is to be construed liberally to accomplish its purpose. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or orders adopted by the County, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this Code. 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 Referenced Standards of the most recently adopted edition of the *International Fire Code* and the *International Building Code*, 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.

**101.5 Abrogation and greater restrictions.** This Code is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions. Except as provided in Part 9, where this Code and other legal requirements conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**101.6 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.

**101.7 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.

**101.8 Components for regulation.** The Chambers County Fire Code shall consist of:

- A. *International Fire Code*, 2015 Edition, Chapters 2 thru 80;
  - 1) Appendices B, C, D, E, F, G, H, and I;
- B. *International Building Code*, 2015 Edition, Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, 30, and 35
  - 1) Sections 1406, 1505, 1705.14 through 1705.18.2, 2403, 2406 through 2409, 3102 through 3104, and 3302;
  - 2) Appendix C;
  - 3) Chapter 5 Table 508.4 is amended to read,

Note: Added footnote "f" to Table 508.4 as follows:

f. A Group B occupancy adjacent to a Group F-2, S-2, or U occupancy is not required to have separation, unless required by the Fire Code Official.

- C. EXHIBIT A – ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO INTERNATIONAL FIRE CODE, 2015 EDITION

**101.9 Alternative materials and methods.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alteration has been approved by the Fire Code Official. The Fire Code Official is authorized to approve an alternative material or method of construction where the Fire Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

**101.10 Applicability to existing structures, facilities, and conditions.** Public buildings, commercial establishments, and multi-family dwellings with four or more units constructed prior to the adoption of this Code shall follow the county code which was adopted at the time of construction. If no code was adopted by the county at the time of construction, provisions of the *International Fire Code*, 2015 Edition, relating to existing buildings, shall apply as specified in this section.

- A. The construction and design provisions of this code shall apply to:
  - 1) Existing structures, facilities and conditions where required in Chapter 11.
  - 2) Existing structures, facilities and conditions that, in the opinion of the fire code official, constitute a distinct hazard to life or property.
  
- B. The administrative, operational and maintenance provisions of this code shall apply to:
  - 1) Existing conditions and operations.

**PART 2 – USE OF TERMS**  
**SECTION 102**

**102.1 Certificate of Compliance. (a)** 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 107.1 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.

**(b) Certificate of Compliance, Conditional or Partial.** A “Conditional Certificate of Compliance” or a “Partial Certificate of Compliance” means a certificate issued by the Fire Code Official, subject to the conditions described herein.

1. The Fire Code Official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe.
2. The holder of a conditional or partial Certificate of Compliance shall proceed only to the point for which approval has been given, at the permit holder’s own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operation will be granted.

**102.2 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 107.1 of this Code.

**102.3 Construction.** “Construction” means the initial permanent construction of a public building, a commercial establishment, or a multifamily 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.

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

**102.5 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.

**102.6 Person.** “Person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and Local governments and



agencies thereof.

**102.7 Public Buildings and Commercial Establishments.** “Public Buildings and Commercial Establishments” include any building where the public may gather or where a good or service is provided for compensation. This definition 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.

**102.8 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. A permit is required prior to the start of any Substantial Improvement. 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.

**102.9 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 103**

**103.1 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.

**103.2 Responsibility of the County Fire Marshal.** The County Fire Marshal or the County Fire Marshal's designees may conduct inspections provided for in this Code.

**103.3 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 106.1 et seq. of this Code.

**PART 4 – PERMITS**  
**SECTION 104**

**104.1 Permits required.** No person shall cause, suffer, allow, permit, perform or authorize Construction or Substantial Improvement within the unincorporated areas of Chambers County without first securing a permit under this Code.

**104.2 Application for permit.** The application for a permit will be on a form prescribed by the Fire Code Official and must be supported by the following:

- a) a site plan to scale for the property including, but not limited to the following:
  - 1. Location of the proposed building in relation to adjacent buildings and property lines, with distances to each called out;
  - 2. Location of proposed fire lanes and fire apparatus access roads with distances to buildings called out;
  - 3. Location of existing fire hydrants and proposed fire hydrants with distances between fire hydrants and distances to buildings and fire lanes called out; and
  - 4. Location of fire department connection(s) in relation to the structure(s) it serves.
  
- b) a floor plan to scale for each level of the building including, but not limited to the following:
  - 1. Types of construction materials and class of interior finish;
  - 2. Location of all exits with distances between exits called out – exit width, type and any special requirement shall be stated, including fire exit hardware;
  - 3. Location of any fire alarm equipment, automatic sprinklers, emergency lighting, etc. required to meet this Code;
  - 4. Defined occupancy classification and occupancy load;
  - 5. North arrow, accurate legend, door and wall schedules; and
  - 6. Each room labeled with specific use and square footage.

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.

Plans for construction or substantial improvement to buildings and facilities required to be designed by an architect or engineer, according to Texas statutes, shall be stamped and certified by an architect or engineer authorized to practice in the State of Texas. The Fire Code Official is authorized to require plans and specifications to be stamped by an architect or engineer for any other building, structure, or facility deemed necessary by the Fire Code Official.

**104.3 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 outlined in Section 108.3.
  
- 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.

**104.4 Issuance of permits.** When the Fire Code Official determines a permit shall be issued, the Fire Code Official shall issue the permit after the proper fee is collected.

**104.5 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.

**104.6 Additional Permit Types.** The County Fire Marshal is authorized to require and issue the following operational and construction permits:

- a) **Fire Systems Permit.** A construction permit is required to install or modify a fire alarm or fire detection system and related equipment, automatic sprinkler system, vent hood suppression system, or other fire protection system;
- b) **Underground Storage Tank Permit.** A construction permit is required to install or remove a flammable or combustible liquid underground storage tank (UST);
- c) **Fireworks or Pyrotechnics Permit.** An operational permit is required for fireworks or pyrotechnics displays in accordance with Chapter 56.

**PART 5 – PERMITTEE  
SECTION 105**

**105.1 Responsibilities of permittee**, 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* Section 505.1; and
- c) allow the Fire Code Official or County Fire Marshal to inspect the work pursuant to a permit. The Fire Code Official or County Fire Marshal 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 multi-family 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.

**105.2 Inspections**

**105.2.1 Inspection authority.** The County Fire Marshal shall present credentials at a reasonable time to the occupant to enter and examine any building, structure, marine vessel, vehicle or premises for the purpose of enforcing this Code.

**105.2.2 Inspections.** The County Fire Marshal shall present credentials at a reasonable time to the occupant to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this Code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The County Fire Marshal may engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body. It shall be the duty of the holder of the permit or their duly authorized agent to provide a copy of all approved construction plans on site pertaining to this request for the final inspection performed by the County Fire Marshal.

**105.2.2.1 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the County Fire Marshal when work is ready for inspection of all permitted construction, operations, or licensed establishments. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

**105.2.2.2 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official or County

Fire Marshal. The Fire Code Official or County Fire Marshal, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected.

**105.2.2.3 Occupancy prohibited before approval. No building or structure subject to this code shall be occupied prior to:**

- a) **Receipt by the Fire Code Official of a “Request for Final Inspection” from the permit holder as submitted on a form provided by the Fire Code Official; and**
- b) **Issuance of a Certificate of Compliance by the Fire Code Official that indicates that applicable provisions of this code have been met.**

**105.2.2.4 Request for Final Inspection.** A “Request for Final Inspection” form must be completed and stamped by an architect or engineer licensed to practice in the State of Texas for the following occupancies:

- a) Buildings designed by an architect or engineer, or buildings required to be designed by an architect or engineer according to Texas statutes;
- b) A multi-story building;
- c) Group A, E, H, I, or R occupancies; and
- d) Any other building or occupancy deemed necessary by the Fire Code Official.

**105.2.3 Concealed work.** It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the County Fire Marshal shall have the authority to require that such work be exposed for inspection. Neither the County Fire Marshal nor Chambers County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Photo documentation will be acceptable.

**105.2.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code, Rules or Regulations. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances or regulations of the jurisdiction shall not be valid.

**105.2.5 Phased Inspections.** The County Fire Marshal may conduct phased inspections of projects that possess approved phased permits.

**105.2.6 Voluntary Inspection Services.** Additional inspections will be conducted, upon request from the applicant, after appropriate payment has been received.

**105.2.7 Expert Inspection Analysis.** The Fire Code Official may request an expert, at the cost of the permittee, to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

**105.2.8 Additional Follow-up Inspections.** Should the Fire Code Official have to make additional inspections due to non-compliance with this Code, additional fees may be assessed as outlined in Section 108.3.

**105.2.9 Certificate of Compliance.** If a final occupancy inspection determines that the Construction or Substantial Improvement complies with this Code, the Fire Code Official shall issue a **Certificate of Compliance**.

**Exception:**

- a) Should the final inspection determine that the requirements of the code were not met; a conditional or partial Certificate of Compliance may be issued at the discretion of the Fire Code Official.
- b) The Fire Code Official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe.
- c) The holder of a conditional or partial Certificate of Compliance shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

**PART 6 - APPEALS AND HEARING PROCEDURES**  
**SECTION 106**

**106.1 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 Fire Code Official. The Fire Code Official shall submit the appellant’s written request to the Hearing Examiner who has been appointed by Commissioners Court.
- b) A Hearing Examiner appointed by Commissioners Court will set a time for a hearing, which will be scheduled as soon as practicable, preferable 15 days of the receipt of the written request, and shall prepare a Notice of Public Hearing naming the time and date of the hearing. Copies shall be distributed as follows:
  1. The original copy and the Certificate to Commissioners Court will be filed with the Clerk of Commissioners Court and the Clerk will prepare a file for the Hearing Notice.
  2. The Examiner will create a working or hearing file with one copy contained therein.
  3. The Examiner will give one copy to the Appellant.
  4. The Examiner will deliver one copy to the Fire Code Official. The hearing will be conducted as provided in Section 106.2 below.
- c) An appeal will not abate the decision of the Fire Code Official pending the decision of the Hearing Examiner.

**106.2 Hearing before the Examiner.** At hearings before the Examiner, the Examiner will hear the testimony of the Fire Code Official and any witnesses called by the Fire Code Official. The Examiner will hear the testimony of the appellant and any witnesses called by the appellant. The Examiner will review all documents and exhibits submitted by the parties. The Examiner will not be bound by formal rules of evidence and will control the evidence, reserving the power to exclude testimony or exhibits he or she does not consider relevant. The Hearing Examiner will maintain an accurate record of the evidence adduced at the hearing.

**106.3 Filing of Examiner's decision.** The Examiner 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.

**106.4 Review by Commissioners Court.** If the Fire Code Official or the appellant wishes to appeal the Examiner's decision, a written objection must be filed with the Clerk of Commissioners Court within ten (10) days of the date the Examiner's decision is filed. The Clerk will notify the Hearing Examiner who will place the matter on the Agenda of Commissioners Court for review at the next meeting of Commissioners Court. If the objection is filed by the Fire Code Official, 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 Hearing Examiner. The Fire Code Official’s decision will remain in effect pending the review of Commissioners Court.



**106.5 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 Hearing Examiner 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 106.4 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 107**

**107.1 Enforcement.** If any person violates any provisions of this Code, the Fire code Official may issue the owner, occupant, or responsible person a Notice of Violation, including a Stop Work Order. 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. A fee for this action will be charged in accordance with Section 108.3 of this Code. The violator shall bear this and all other costs of effecting compliance. Should the building be occupied without final occupancy inspection as required under this Code, the County Fire Marshal may file a complaint with the County Attorney's Office under Section 352.016 of the Texas Local Government Code.

The provisions of this section are not intended in any way to limit the independent authority of the County Fire Marshal to inspect for the presence of fire and life safety hazards and order their correction under Chapter 352 of the Texas Local Government Code.

**107.2 Violation of conditions of regulations.** Any person having knowledge of a violation of this Code may file a complaint with the Fire Code Official or the County Fire Marshal.

**107.3 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 AND RECORDS**  
**SECTION 108**

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

**108.2 Maintenance of records.** All applications for, and file copies of, permits must be maintained by the Fire Code Official for a retention period of three (3) years. Drawings and specifications on file with the Fire Code Official may be destroyed after completion of the structure.

**108.3 Fees.** Fees for permits and inspections are to be set by Commissioners Court. Fees shall be paid by any method approved by Commissioners Court. Should any payment be denied or returned for insufficient funds the permit(s) issued becomes null and void. Fees shall be paid at the time the permit is delivered to the permittee unless other arrangements have been made and approved by the County. The fees are those published in the current fee schedule approved by Commissioners Court.

**PART 9 – SEVERABILITY AND CONSTRUCTION**  
**SECTION 109**

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, 2015 EDITION

The following additions, insertions, deletions, and changes are made to the *International Fire Code*, 2015 Edition, as adopted by Chambers County.

**CHAPTER 1** is deleted in its entirety and is replaced by Part 1, Administration and Preliminary Provisions, of the Chambers County Fire Code as adopted by Chambers County and to which this Exhibit is attached is substituted in its place. Notwithstanding any other provision of the Chambers County Fire Code which might otherwise be interpreted to the contrary, the Chambers County Fire Code shall not be construed as requiring any license or permit not specifically required by Chapter 1 unless required by other applicable law.

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:

An amendment is made to the definition of **Institutional Group I-4, day care facilities:**

**Day care home.** A child day care facility located in a single-family dwelling that provides care for up to 12 children of any age shall comply with the current fire & life safety requirements of the state.

An amendment is made to the definition of **Residential Group R-3:**

Foster Homes, Foster Care Facilities, Foster Group Homes, Assisted Living Facilities, and Residential Board and Care Facilities shall comply with the current fire & life safety requirements of the state.

An amendment is made to the definition of **Residential Group R-4:**

Foster Homes, Foster Care Facilities, Foster Group Homes, Assisted Living Facilities, and Residential Board and Care Facilities shall comply with the current fire & life safety requirements of the state.

The following occupancy definition is added under **Residential Group R:**

**Recreational Vehicle Park/Campground.** Any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park, trailer, and/or other camping unit sites are offered for use by the public or members of an organization for overnight stays, shall comply with this code and *NFPA 1194*, 2014 Edition.

Sec. 5.1.6.3 is added to *NFPA 1194*, 2014 Edition:

**5.1.6.3** RV stand separation distance shall be designed so that no portion of the RV, or features such as slide-out sections, reduce the minimum 10 ft separation specified in Sec. 5.1.6.

Section 1103.1.1 is amended to read:

**1103.1.1 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing

buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property.

Section 1103.1.2 is added:

**1103.1.2 Group I-2 occupancies.** Existing Group I-2 occupancies shall comply with the current fire & life safety requirements of the state.

Section 5609 is amended to read as follows:

**SECTION 5609**

**FIREWORKS 1.4G RETAIL STORAGE, DISPLAY, AND SALE**

**5609.1 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.**