

# ELLIS COUNTY FIRE CODE



AS

**ADOPTED:** November 26, 2012

**EFFECTIVE:** January, 1, 2013

**REVISED:** August 12, 2013

**ELLIS COUNTY FIRE MARSHAL'S OFFICE**

*JOE STEWART, ELLIS COUNTY FIRE MARSHAL*

ELLIS COUNTY COMMISSIONERS' COURT

ORDER NO. 278.13

ORDER ADOPTING THE ELLIS COUNTY FIRE CODE

On this the 12<sup>th</sup> day of Aug, 2013, the Ellis County Commissioners' Court of Ellis County, Texas, convened in a regular session of said Court at 101 West Main, Waxahachie, Texas, the following member present, to-wit:

County Judge	Carol Bush
Commissioner Precinct #1	Dennis Robinson
Commissioner Precinct #2	Bill Dodson
Commissioner Precinct #3	Paul Perry
Commissioner Precinct #4	Ron Brown

And among other proceedings, on motion of Commissioner Paul Perry, seconded by Bill Dodson, duly put and carried the following Order was passed:

**WHEREAS**, pursuant to Texas Local Government Code, §233.061 Subchapter C *et seq.*, and other applicable statutes.

**NOW, THEREFORE**, BE IT ORDERED BY THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS, that:

**THE ELLIS COUNTY FIRE CODE**, a copy of which is attached hereto and incorporated herein for all purposes, be adopted, to become effective August 12, 2013.

**Approved By:**

Ellis County Commissions' Court on August, 12<sup>th</sup>, 2013.

[Signature]  
\_\_\_\_\_  
Carol Bush  
Ellis County Judge

[Signature]  
\_\_\_\_\_  
Commissioner Dennis Robinson  
Precinct #1

[Signature]  
\_\_\_\_\_  
Commissioner Bill Dodson  
Precinct #2

[Signature]  
\_\_\_\_\_  
Commission Paul Perry  
Precinct #3

[Signature]  
\_\_\_\_\_  
Commissioner Ron Brown  
Precinct #4

Attest:  
[Signature]  
\_\_\_\_\_  
Cindy Polley  
County Clerk



**ORDER OF  
THE ELLIS COUNTY COMMISSIONERS' COURT  
ADOPTING  
THE ELLIS COUNTY FIRE CODE**

**STATE OF TEXAS** §  
**COUNTY OF ELLIS** §

**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.

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 Ellis 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 Ellis County. It provides for the issuance of permits and collection of fees. This code repeals all other codes and parts of codes adopted by Ellis County that are in conflict with it.

The Fire Marshal has reviewed several model fire codes and has represented to the Commissioners' Court that the International Fire Code (2009 edition), published by the International Code Council, and NFPA Life & Safety Code 101 (2009 edition) provides appropriate protective measures and continuity with other local governments in Ellis County.

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

The fee schedules adopted in this order are based on the type, size, and valuation of the building proposed and reflect the amount necessary to cover the cost of administering and enforcing this code.

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## **ELLIS 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 Ellis County, Texas, acting in its capacity as the governing body of Ellis County. The authority of Ellis 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 the Commissioners' Court.

#### **SECTION 1.2 – SCOPE OF REGULATIONS**

This Code applies in unincorporated areas of Ellis 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, 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.

#### **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, 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 Ellis 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 Ellis 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 Ellis 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, and NFPA Life & Safety Code 101 2009 edition.

## **SECTION 1.9 - 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. (ref: 104.9 IFC 2009)

# **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 Ellis 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 Ellis 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 – FIRE CODE OFFICIAL**

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

**SECTION 2.5 - COUNTY FIRE MARSHAL**

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

**SECTION 2.6 - 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 2.7 - 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, doctors’ 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 2.8 - 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 preceeding 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.

- c) 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 when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

### **SECTION 2.9 - UNINCORPORATED AREA**

“Unincorporated Area” means the area in Ellis 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 Ellis 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**

Permits required by this Code shall be obtained from the Fire Code Official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 (IFC 2009) for either:
  - a. A prescribed period.
  - b. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7 (IFC 2009).

When more than one permit is required for the same location, the Fire Code Official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

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

#### **SECTION 4.2 - 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) 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 in accordance with Section 8.3, Table I of this Code.

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 outlined in Section 8.3.
- 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.

#### **SECTION 4.4 - 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.

## **SECTION 4.5 - TERM OF PERMITS**

Construction or Substantial Improvement must be started within 180 days of the date the permit is issued or the permit shall be null and void. Upon written request, two six-month extensions may be obtained.

## **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 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. The Fire Code Official, at such time, will provide a release of final utilities to the appropriate utility company. 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 as outlined in Section 8.3 hereof.

## **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 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, preferably within fifteen (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.
- c) An appeal will not abate the decision of the Fire Code Official pending the decision of the Hearing Examiner. The hearing will be conducted as provided in Section 6.2 below.

### **SECTION 6.2 - 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.

### **SECTION 6.3 - FILING OF EXAMINER'S DECISION**

The Examiner will prepare a written decision as soon as possible, preferably within three (3) 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 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 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. The 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.

### **PART 7 - ENFORCEMENT**

#### **SECTION 7.1 - ENFORCEMENT**

If any person violates any provisions of this Code, the Fire Code Official may notify the District Attorney and request that the District 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, Ellis County may file a Certificate of Non-Compliance in the Real Property Records of Ellis County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Ellis County. A fee for this action will be charged in accordance with Section 8.3 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 District Attorney's Office under Section 352.016 and Section 352.022 of the Texas Local Government 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.

### **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 destroyed after completion of the structure.

**SECTION 8.3 - FEES**

Fees for permits and inspections are to be set by Commissioners' Court. Fees shall be paid by exact cash, cashier's check, money order, or personal check. Should the check be returned for insufficient funds, the permit(s) issued becomes null and void. Fees shall be paid at the time plans are submitted for review unless other arrangements have been made and approved by the County Auditor. The County shall deposit all fees received under this section in a special fund in the county treasury, pursuant to Texas Local Government Code 233.065(c), and money in that fund shall be used only for the administration and enforcement of the Fire Code.

**TABLE I**

**Ellis County Permit Fee Schedule** (Revised 04/27/2015)

<b>CONSTRUCTION PERMITS</b>		
<b>BUILDING PERMIT</b> - The fee is based on the valuation of the project		
For projects valued at less than \$100,000 the fee is \$250.		
For projects valued between \$100,000 and \$200,000 the fee is \$500.		
\$200,000 to \$300,000 = \$600	\$601,000 to \$700,000 = \$1300	
\$301,000 to \$400,000 = \$800	\$701,000 to \$800,000 = \$1500	
\$401,000 to \$500,000 = \$900	\$801,000 to \$900,000 = \$1600	
\$501,000 to \$600,000 = \$1100	\$901,000 to \$999,999 = \$1800	
\$200,000 to \$300,000 = \$600	\$601,000 to \$700,000 = \$1300	
For projects valued at \$1,000,000 but less than \$5,000,000 the fee is \$2700 for the first \$1,000,000 plus \$1.00 for every \$1000, or fraction thereof, for the value over \$1,000,000.		
For projects valued at \$5,000,000 or more, the fee is \$10,140 for the first \$5,000,000 plus \$0.50 for every \$1000, or fraction thereof, for the value over \$5,000,000.		
Publicly funded construction projects \$500 plus \$25 per hour.		
Pre-Application Consultation Fee \$50 per hour (applied towards building permit fee)		
105.7.1	Automatic Fire-extinguishing Systems 1 to 20 heads	\$100.00
	Automatic Fire-extinguishing Systems 21 to 250 heads	\$175.00
	Automatic Fire-extinguishing Systems 251 to 500 heads	\$250.00
	Automatic Fire-extinguishing Systems >500 + .50¢/head additional	\$350.00
	Automatic Fire-extinguishing Systems (Commercial Cooking)	\$150.00
105.7.2	Battery systems.	\$50.00
105.7.3	Compressed gases.	\$50.00
105.7.4	Cryogenic fluids.	\$50.00
105.7.5	Fire alarm/detection systems and related equipment 1 to 10 devices	\$100.00
	Fire alarm/detection systems and related equipment 11 to 25 devices	\$175.00
	Fire alarm/detection systems and related equipment 26 to 150 devices	\$250.00
	Fire alarm/detection systems and related equipment 151 to 500 devices	\$350.00
	Fire alarm/detection systems and related equipment >500 + .50¢/device additional	\$350.00
105.7.6	Fire pumps and related equipment.	\$100.00
105.7.7	Flammable and combustible liquids - Storage/Dispensing	\$100.00
105.7.8	Hazardous materials - Storage	\$100.00
105.7.9	Industrial ovens.	\$50.00
105.7.10	LP-gas - Storage	\$100.00
105.7.11	Private fire hydrants.	\$50.00
105.7.12	Spraying or dipping - Building/Booths	\$100.00
105.7.13	Standpipe systems.	\$50.00
105.7.14	Temporary membrane structures and tents – Per Unit	\$75.00

OPERATIONAL PERMITS		
105.6.2	Amusement buildings.	\$75.00
105.6.4	Carnivals and fairs.	\$100.00
105.6.6	Combustible dust-producing operations.	\$50.00
105.6.14	Explosives. <i>(Non-Fireworks)</i>	\$150.00
Texas Occupations Code 2154	Fireworks Stand	\$100.00
	Indoor Fireworks Sales Site	\$200.00
	Fireworks Public Display (1.3), site plan approval	\$200.00
	Fireworks Public Display (1.3), display observation	\$100.00
	Fireworks Storage Facility (bulk storage) per year	\$200.00
105.6.15	Fire hydrants and valves.	\$50.00
105.6.19	Fumigation and thermal insecticidal fogging	\$50.00
105.6.20	Hazardous Materials <i>(Up to 5 Tier II reportable materials)</i>	\$250.00
	Extremely Hazardous Substances <i>(Fee per EHS)</i>	\$250.00
	Additional Tier II reportable materials	\$15.00
105.6.28	Magnesium.	\$100.00
105.6.33	Organic coatings	\$100.00
105.6.34	Places of assembly	\$100.00
105.6.36	Pyrotechnic special effects material <i>(Texas Occupations Code Chapter 2154)</i>	\$100.00
105.6.37	Pyroxylin plastics	\$100.00
105.6.43	Temporary membrane structures and tents	\$50.00

**Note:** Fireworks stands, fireworks indoor sales sites, fireworks displays, and fireworks storage facilities must also comply with the State of Texas “Fireworks Rules”. An Ellis County Fire Marshal’s Office representative is required for observation of ALL public displays involving Class 1.3 fireworks.

<b>TABLE II</b>	
<b>Ellis County Fire Marshal's Office</b>	
<b>Fire and Life Safety Inspection Fee Schedule</b>	
Commercial/Public 1 - 5000 sq ft	\$25.00
Commercial/Public 5001 - 12,000 sq ft	\$50.00
Commercial/Public 12,001 - 25,000 sq ft	\$75.00
Commercial/Public 25,001 - 50,000 sq ft	\$100.00
Commercial/Public 50,001 - 100,000 sq ft	\$125.00
Commercial/Public 100,001 - 250,000 sq ft	\$175.00
Commercial/Public >250,000 each 10,000 sq ft	\$25.00
Multi-Family Dwellings (4 or more units)	\$50.00 per hour
Public Schools, K thru 12	\$25.00 per hour
All other schools.....see commercial rate	
Licensed Day Care Centers	\$75.00
Foster Home Licensed for 1-6 children	\$50.00
Group Home Licensed for 7-12 children	\$100.00
Licensed Hospital/Nursing Homes	\$200.00
Other 24 hour Care Facilities, such as residential treatment centers, personal care facilities, maternity homes, and similar facilities.	
Licensed for 1-3 occupants	\$50.00
Licensed for 4-16 occupants	\$100.00
Licensed for 17-25 occupants	\$150.00
Licensed for 26 or more occupants	\$200.00
FIRE WATCH / STANDBY - For qualified personnel for the purpose of identifying and controlling fire hazards. The fee is \$50.00 per hour or portion of an hour for each required person.	
MASS GATHERINGS & ASSIGNMENTS OF INSPECTION PERSONNEL PERMIT - Plan review and site inspection for mass gatherings. The fee is \$250. In addition, a fee of \$50 for each hour, or portion of an hour, per each inspection personnel required on site during the event.	

**Note:** The inspection standard for the unincorporated areas of Ellis County is based upon the Ellis County Fire Code, NFPA Life & Safety Code 101, and Texas Local Government Code § 352.016. If you have any questions about which parts of the Code are applicable to your location, please call the Ellis County Fire Marshal's Office at 972-825-5555.

## **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 Ellis County.

#### SECTION 101 Scope and Administration

- Subsection 101 is deleted.
- Subsection 102 is deleted.
- Subsection 103 is deleted.
- Subsection 104 is deleted.
- Subsection 105.6 the following items are adopted:
  - 105.6.2 Amusement buildings. An operational permit is required to operate a special amusement building.
  - 105.6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.
  - 105.6.6 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.
  - 105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 33. (Must also comply with Texas Occupations Code Chapter 2154 Regulation of Fireworks & Fireworks Displays and 28 TAC §§ 34.800)
    - Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.*
  - 105.6.19 Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.
  - 105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.
  - 105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

- 105.6.33 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.
- 105.6.34 Places of assembly. An operational permit is required to operate a place of assembly.
- 105.6.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. (Must also comply with Texas Occupations Code Chapter 2154 Regulation of Fireworks & Fireworks Displays and 28 TAC §§ 34.800)
- 105.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.
- 105.6.41 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

- Subsection 105.7 is adopted.
- Subsection 106 is adopted.
- Subsection 107 is adopted.
- Subsection 108 is deleted.
- Subsection 109 is deleted.
- Subsection 110 is adopted.
- Subsection 111 is adopted.
- Subsection 112 is adopted.
- Subsection 113 is deleted.

## **SECTION 202 General Definitions**

The following definitions will be included:

- Cul-de-sac. A dead-end street with a turn-around at the closed end.
- Dead-ends. A street or alley that has no regular exit or outlet. A closed end street.
- Self-Service Storage Facility. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-serve basis.

The definition of **Fire Chief** in Section 202 is amended to read:

**FIRE CHIEF.** The Ellis County Fire Marshal.

## **SECTION 307 Open Burning and Recreational Fires**

**Subsection 307.2 is revised as follows:**

**307.2 Authorization.** All outdoor burning in unincorporated Ellis County shall be done in accordance with Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 through 111.221.

**307.3** Extinguishment authority. The Fire Marshal is authorized to order the extinguishment open burning that creates or adds to a hazardous or objectionable situation.

**SECTION 506 Key Boxes is revised as follows:**

**506 Key Boxes & Siren-Operated Sensors Systems for Electric Gates**

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Marshal is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the Fire Marshal.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. *Exceptions: If fire department district does not participate in key box programs key boxes cannot be provided.*

506.3 Where required. The Fire Marshal is authorized to require siren-operated sensors systems for electric gates for gated communities or multiunit housing projects.

**SECTION 507 Fire Protection Water Supplies**

**Subsection 507.1 is amended by adding the following:**

A water supply as otherwise required by this section will not be required if it can be demonstrated that adequate pressures and volumes can be maintained during fire events. This may be accomplished through the use of a wet pond or storage tank equipped with a “dry” fire hydrant that is capable of replenishing itself or the responsible emergency services district or fire department provides a plan which demonstrates that they can provide sufficient fire flow for the specific project.

- 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 not adopted.