

COMMISSIONERS COURT ORDER ADOPTING A FIRE CODE AND REGULATIONS FOR ITS ENFORCEMENT, PURSUANT TO CHAPTER 233 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, on September 24, 2010, the Guadalupe County Commissioners Court adopted the 2006 International Fire Code and local amendments for their enforcement, pursuant to Texas Local Government Code Chapter 233, Subchapter C; and

WHEREAS, the International Code Council has revised and updated the International Code Series; thus, publishing the 2018 editions of the various International Codes; and

WHEREAS, the County Fire Marshal recommends revising the 2010 Court Order, so as to adopt the current building and fire codes, update the fee schedule, and establish regulations for the enforcement of the code.

NOW THEREFORE, it is hereby ordered by the Commissioners Court of Guadalupe County, Texas:

**ARTICLE I
REPLACEMENT OF PRIOR ORDERS**

1.01 This Order replaces all previous COMMISSIONERS COURT ORDERS ADOPTING THE FIRE CODE AND RULES AND AMENDMENTS FOR ITS ENFORCEMENT.

**ARTICLE II
DEFINITIONS**

2.01 In this Order:

- (a) “Commercial Establishment”: a place where goods and commodities or services are provided, displayed, exchanged, sold or bought.
- (b) “Public Building”: a place in which the possession and/or use, as well as the property in it, gives members of the public free access or use and includes buildings in which the public may enter, including where an entry fee is charged, or otherwise classified as an “occupiable space”.
- (c) “Multi-Family Dwelling”: any residential structure consisting of four (4) or more residential dwelling units. A dwelling unit is any single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (d) “Substantial Improvement”:
 - 1. the repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds fifty percent (50%) of the building’s value, according to the certified tax appraisal roll for the year preceding the year in which the work was begun; or
 - 2. the repair, restoration, reconstruction, improvement, or remodeling of a building that involves 30% or more of the total square footage of the original building; as measured, prior to the work proceeding; or
 - 3. 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.
 - 4. Any alteration of a structure that modifies any component of the means of egress (exit, exit access or exit discharge) or required fire protection system(s).

- (e) “Date of Substantial Improvement”:
 - 1. the date that the repair, restoration, reconstruction, improvement, or remodel begins; or
 - 2. the date the change of occupancy classification begins; or
 - 3. the date materials are first delivered for that purpose.

- (f) “Date of Construction”: the date ground is broken for a building, or if no ground is broken, then as follows:
 - 1. the date the first materials are added to the original property; or
 - 2. the date foundation pilings are added to the original property; or
 - 3. the date a manufactured building or relocated structure is placed on a foundation on the original property.

- (g) “System”: fire alarm, fire extinguishing, smoke control system or other fire control and protection system.

- (h) “Fire Code” shall collectively mean the codes or portions thereof; identified and referenced below in Article III.

- (i) “Fire Chief,” “Fire Code Official,” “Code Official,” “County Fire Marshal,” or “Building Official” constitutes the Guadalupe County Fire Marshal or their designee.

- (f) “Department of Building Safety,” “Department of Fire Prevention,” or “Fire Prevention Bureau” constitutes the Guadalupe County Fire Marshal’s Office.

ARTICLE III
ADOPTION OF FIRE CODE

- 3.01 The International Code Council 2018 edition, International Fire Code and local Amendments, referenced standards therein and Appendices A through N, are hereby approved and adopted.
- 3.02 The most current edition of the National Fire Protection Association Life Safety Code 101 as it applies to health-care facilities, other commercial establishments, public buildings or multi-family dwellings required to comply with it by Federal or State law, or accreditation regulations, shall govern when the International Building or Fire Codes do not specifically address fire safety or building construction issues, is hereby approved and adopted.

ARTICLE IV
APPLICATION AND CONTENT OF THE FIRE CODE

- 4.01 Any commercial establishment, public building or multi-family dwelling constructed in unincorporated Guadalupe County after the effective date of this order must be constructed in accordance with the standards for such a structure propounded in the Fire Code.
- 4.02 A person may not construct or substantially improve a commercial establishment, public building or multi-family dwelling in the unincorporated area of Guadalupe County unless a permit is issued; therefore in accordance with this Order.
- 4.03 A building permit issued under this Order will specify the required fire protection system(s); required work authorization(s) that the building must have, and the building permit holder or their designee must obtain a permit for each required system or regulated work authorization.
- 4.04 The requirements of this Order do not apply to an industrial facility having a fire brigade that conforms to the requirements of the Occupational Health and Safety Administration.
- 4.05 The requirements of this Order does not apply to an agricultural building used specifically to produce or process food products, or shelter livestock, or shelter tools and equipment essential to farm or ranch operation or activity.

ARTICLE V
ADMINISTRATION OF FIRE CODE

- 5.01 The Commissioners Court of Guadalupe County hereby authorizes the County Fire Marshal to administer this Order.
- 5.02 The Commissioners Court of Guadalupe County hereby authorizes the County Fire Marshal to establish Amendments necessary for the Enforcement of the County Fire Code which is attached hereto and incorporated herein as Appendix A.

ARTICLE VI
PERMIT APPLICATION AND PROCEDURE

- 6.01 A person may apply for a building or system permit or regulated work authorization under this Order by submitting to the Fire Marshal's office:
 - (a) a plan of the proposed building, substantial improvement or system containing all plans and specifications; and
 - (b) a building or system permit fee in accordance with Section 8.01 herein.
- 6.02 Within 30 calendar days after the date the County Fire Marshal receives an application and the applicable fees in accordance with Section 6.01, the County Fire Marshal shall:
 - (a) Issue the permit if the application complies with the Fire Code; or
 - (b) Deny the permit if the plan does not comply with the Fire Code.
- 6.03 If the Fire Marshal has not issued or denied the permit within 30 calendar days after receiving the application and fee, the construction, substantial improvement, or system is approved for the purposes of this Order.

ARTICLE VII
INSPECTION; CERTIFICATION OF COMPLIANCE; CERTIFICATE OF
OCCUPANCY

- 7.01 The County Fire Marshal shall inspect any building, substantial improvement or system subject to this Order to determine whether the building, improvement, or system complies with the Fire Code.
- 7.02 The County Fire Marshal or their designee shall perform the inspection.
- 7.03 A building inspector under this Order may enter and perform the inspection at a reasonable time at any stage of the builder's construction or substantial improvement and after completion of the building.
- 7.04 On or before the date that construction or substantial improvement of a building or system subject to this Order is completed, the holder of the permit shall request in writing that the County Fire Marshal inspect the building, substantial improvement, or system for compliance with the Order.
- 7.05 The Fire Code Official shall begin the inspection within 5 business days of receipt of the written inspection request; otherwise, the building or system is considered approved for the purpose of this Order.
- 7.06 The County Fire Marshal shall issue a final Certificate of Compliance or Certificate of Occupancy to the owner of a building if the Fire Code Official determines, after inspection of the completed building, that all required systems have been approved and that the building complies with the Fire Code.
- 7.07 If the Fire Code Official determines, after an inspection of the completed building, that the building does not comply with the Fire Code:
- (a) the Fire Code Official shall deny the certificate of compliance or occupancy; and
 - (b) the building may not be occupied until determined compliant by the Fire Code Official.

ARTICLE VIII
FEES

- 8.01 The fee schedule for services performed by the County Fire Marshal under this Order is attached hereto and incorporated herein as Appendix B.
- 8.02 All monies collected by the County Fire Marshal under this Order shall be placed in a special fund under the control of the County Treasurer, and monies in that fund shall be used only for the administration and enforcement of this Order as per State Law.

ARTICLE IX
CITATION AUTHORITY

- 9.01 The County Fire Marshal or their designee(s) may issue citations, when warranted, for violations of the County Fire Code identified in Article III herein.
- 9.02 An offense of the County Fire Code is punishable by a fine not exceeding \$500.00.

ARTICLE X
APPEALS PROCESS

- 10.01 In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official; relative to issuance of a permit or the application and interpretation of the Fire Code, there shall be and is hereby created a board of appeals as defined in Section 109 and Appendix A of the 2018 International Fire Code and local amendments.

ARTICLE XI
INJUNCTION

- 11.01 The Guadalupe County Attorney may seek injunctive relief to prevent the violation or threatened violation of this Order.

ARTICLE XII
CIVIL PENALTY

- 12.01 The Guadalupe County Attorney may file a civil action in a court of competent jurisdiction to recover from any person who violates the Fire Code with a civil penalty in amount not to exceed \$200.00 for each day in which the violation exists. In determining the penalty amount, the Court will consider the seriousness of the violation.
- 12.02 All monies collected under this Article shall be used for the purpose set out herein Section 8.02 of the Order.

ARTICLE XIII
SEVERABILITY

- 13.01 If any provision of this Order or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provision or application of this Order which can be given effect without the invalid provision or application, and to this end, the provisions of these Regulations are declared to be severable.

ARTICLE XIV
EFFECTIVE DATE

14.01 This Order shall become effective on August 1, 2020.

PASSED AND APPROVED THIS THE ____ DAY OF _____, 2020.

KYLE KUTSCHER
County Judge

GREG SEIDENBERGER
Commissioner Precinct 1

DREW ENGELKE
Commissioner Precinct 2

JIM WOLVERTON
Commissioner Precinct 3

JUDY COPE
Commissioner Precinct 4

ATTEST:

By: _____
TERESA KIEL
County Clerk