

SAN PATRICIO COUNTY FIRE CODE



SAN PATRICIO COUNTY FIRE MARSHAL'S OFFICE

Scott Marion – Fire Marshal

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SAN PATRICIO COUNTY FIRE CODE

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SAN PATRICIO COUNTY FIRE CODE

PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 1.1 – AUTHORITY

This code is adopted as a fire code by the San Patricio County Commissioners Court of, San Patricio County, Texas (Commissioners Court), acting in its capacity as the governing body of San Patricio County. The authority of San Patricio 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. These regulations adopted by the Commissioners Court shall be known as the San Patricio Fire Code, hereinafter referred to as “this Code.” This Code may be amended at any time by a majority vote of the Commissioners Court.

SECTION 1.2 – SCOPE OF SAN PATRICIO COUNTY FIRE CODE

On the date this Code is effectively adopted by the Commissioners Court, this Code shall apply and be enforced in all unincorporated areas of San Patricio County, Texas and on land and facilities owned/or operated by San Patricio County.

SECTION 1.3 – PURPOSE

The purpose of this Code is to promote and protect buildings constructed in the unincorporated areas of the County from fire.

- (a) This Code establishes the minimum standards to provide for the health, safety, and welfare of the general public and the citizens of San Patricio County. This Code is intended to provide minimum requirements, with due regard to function, for the Design and Construction or Substantial Improvements to any Public Buildings, Commercial Establishments, and Multi-Family Dwellings with four or more units to reduce the risk to life and property from fire.
- (b) 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.
- (c) This Code is not intended in any way to limit the statutory authority of the 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

(a) 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 Commissioners Court orders, compliance with applicable standards of the National Fire Protection Association (NFPA), including NFPA 101 – Life Safety Code, or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this Code.

(b) Nothing herein shall derogate from the authority of the San Patricio County Fire Marshal to determine compliance with codes or standards for those activities or installations with the San Patricio County Fire Marshal'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 San Patricio County Fire Marshal.

(c) The codes and standards referenced in this San Patricio County Fire Code shall be those that are listed in Chapter 80 of the International Fire Code of 2018, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of such reference(s).

(d) Where differences occur between the provision(s) of this Code and other referenced standards, the provisions of this Code shall apply.

(e) Where there is a conflict between a general requirement and a specific requirement with this Code, the specific requirement shall be applicable.

SECTION 1.5 – 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 legal requirements conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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 San Patricio County or any officer or employee thereof for any damages that result from reliance on this Code or any administrative decision lawfully made there under. 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 San Patricio County Commissioners Court 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 safeguards to provide adequate egress time and protection for people exposed to fire.

SECTION 1.8 – BASIS FOR REGULATION

The San Patricio County Fire Code shall consist of this Code plus the International Fire Code, 2018 Edition, including appendix chapters listed below, 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.

Appendix A	Board of Appeals	DELETED
Appendix B	Fire-Flow Requirements for Buildings	ADOPTED
Appendix C	Fire Hydrant Locations and Distribution	ADOPTED
Appendix D	Fire Apparatus Access Roads	ADOPTED
Appendix E	Hazard Categories	DELETED

Appendix F	Hazard Ranking	DELETED
Appendix G	Cryogenic Fluids – Weight and Volume Equivalents	ADOPTED
Appendix H	Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions	ADOPTED
Appendix I	Fire Protection Systems – Noncompliant Conditions	ADOPTED
Appendix J	Building Information Sign	DELETED
Appendix K	Construction Requirements for Existing Ambulatory Care Facilities	DELETED
Appendix L	Requirements for Fire Fighter Air Replenishment Systems	DELETED
Appendix M	High-Rise Buildings – Retroactive Automatic Sprinkler Requirement	DELETED
Appendix N	Indoor Trade Shows and Exhibitions	ADOPTED

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 design or method of construction not specifically prescribed by this Code, provided that any such alteration has been **approved** by the San Patricio County Fire Marshal. The San Patricio County Fire Marshal is authorized to approve an alternative material, design or method of construction where the San Patricio County Fire Marshal 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, not less than the equivalent of that prescribed in this Code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not approved, the San Patricio County Fire Marshal shall respond in writing, stating the reasons why the alternative was not approved. (ref. 104.9 IFC 2018)

PART 2 – USE OF TERMS

SECTION 2.1 – CERTIFICATE OF COMPLIANCE

A “Certificate of Compliance” means a certificate issued by the San Patricio County Fire Marshal indicating that a building or substantial improvement is in compliance with this 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 San Patricio County Fire Marshal.

SECTION 2.2 – CERTIFICATE OF NON-COMPLIANCE

A “Certificate of Non-Compliance” means a certificate issued by the San Patricio County Fire Marshal indicating that a building or substantial improvement is not in compliance with the San Patricio 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” 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

The term “Fire Code Official” is synonymous with the term “San Patricio County Fire Marshal” or a designee of such individual; however, only the duly appointed San Patricio County Fire Marshal has the authority to overrule his or her subordinates or grant variances before applicants for permits or variances may make written objections (appeals) to the San Patricio County Commissioners Court.

SECTION 2.5 – SAN PATRICIO COUNTY FIRE MARSHAL

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

SECTION 2.6– SAN PATRICIO COUNTY JUDGE’S OFFICE

The San Patricio County Judge’s Office is responsible for any duties designated for the San Patricio County Fire Marshal in this Fire Code or any Exhibit or Appendix thereof.

SECTION 2.6 – PERSON

“Person” includes any individual or group of individuals, corporation, partnership, association, limited liability Company, or any other organized group of persons. “Person” does not include a State Agency that is authorized to prevent and extinguish forest and grass fires.

SECTION 2.7 –BUILDING

“Building” includes an establishment or multifamily dwelling.

SECTION 2.8 – SUBSTANTIAL IMPROVEMENT

“Substantial improvement” means:

- (a) the repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds 50% (fifty percent) 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. A 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 San Patricio County Fire Marshal may require the submittal of an independent certified damage assessment in cases where the structure has suffered other than minor damage.

SECTION 2.9 – UNINCORPORATED AREA

“Unincorporated Area” means any real property in San Patricio County, Texas, which is not within the city limits of a municipality. Other than any buildings owned or operated by San Patricio County, Texas in or on any portion of San Patricio County, Texas, this Fire Code shall only apply to buildings constructed in or on any portion of an unincorporated area of San Patricio County that are commercial establishments, public buildings, or multifamily residential dwellings consisting of four or more units. All buildings owned or operated by San Patricio County, Texas in or on any portion of San Patricio County, Texas shall be governed by this Fire Code. This Fire Code does not apply to any industrial facility that the San Patricio County Fire Marshal determines qualifies for the exception specified in Section 233.062(b) of the Texas Local Government Code. The San Patricio County Fire Marshal shall have the authority to seek the assistance of the Occupational Health and Safety Administration in making the aforesaid determination.

PART 3 - GENERAL PROVISIONS

SECTION 3.1 – ADMINISTRATION BY THE SAN PATRICIO COUNTY FIRE MARSHAL

The San Patricio County Fire Marshal 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 SAN PATRICIO COUNTY FIRE MARSHAL

The County Fire Marshal or the County Fire Marshal’s designee may conduct inspections provided for in this Code or by Subchapter C of Chapter 233 of Subtitle B of Title 7 of the Texas Local Government Code.

SECTION 3.3 – RESPONSIBILITY OF OTHER OFFICIALS

Under this Code, the San Patricio County Fire Marshal is responsible for all administrative decisions, determinations and duties. The San Patricio County Fire Marshal may seek and secure the assistance of other officials of San Patricio 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, that any decision by the San Patricio County Fire Marshal may be appealed by the process in PART 6 of this Code.

PART 4 - PERMITS

SECTION 4.1 Permits Required

No person shall start or authorize construction of a building or Substantial Improvement within an unincorporated area of San Patricio County without first securing a permit under this code (Refer to EXHIBIT “B” – Fee Schedule) with the following exception: Agricultural Use only structures meeting the following criteria:

- a. Constructed by a holder of Texas Agricultural or Timber Registration
- b. Structure used for single farm or ranch use only for storage of farm equipment, animal shelter or handling or farm products
- c. Structure is located at least 300 feet from any residence or other structure not owned by same
- d. Structure will never be used in any capacity for human residence or shelter of any kind

SECTION 4.2 – APPLICATION FOR PERMIT

The application for a permit will be on a form prescribed by the San Patricio County Fire Marshal and must be supported by the following:

- (a) A completed Fire Code Design and Compliance Review Sheet provided by the San Patricio County Fire Marshal and signed and sealed by a duly licensed architect or engineer authorized to practice in the State of Texas;
- (b) Two complete sets of construction and site plans, drawn to scale for each level of the proposed buildings or systems containing all specification including 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; and
 - 3. The location of any fire alarm equipment, automatic sprinklers, emergency lighting, etc. required to meet this Code; and
- (c) A permit fee in accordance with those found in EXHIBIT “B” of this Code. If the San Patricio County Fire Marshal is unable to determine from the information submitted whether a permit should be issued, the San Patricio County Fire Marshal may require the submission of additional information, drawings, specifications or documents.

SECTION 4.3 – DETERMINATION OF PERMIT ELIGIBILITY

After the application is filed, the San Patricio County Fire Marshal shall determine if the proposed building or substantial improvement meets the minimum requirements of this Code based on the information provided.

- (a) If it is determined that the proposed building or substantial improvement meets the requirements, then a permit will be issued after the collection of the appropriate fees as outlined in Section 8.3 – Fees, of this Code, and as referred to in EXHIBIT “B” – Fee Schedule.
- (b) If it is determined that the proposed building 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 San Patricio County Fire Marshal determines that a permit shall be issued, the San Patricio County Fire Marshal shall issue the permit after the proper fee is collected. If applicable, the permit shall be issued as an addendum to the development permit issued under the Regulations of San Patricio County, Texas for Flood Plain Management.

SECTION 4.5 – TERM OF PERMITS

Construction of a building or a 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 (2) 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 clearly 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 2018 – Section 505.1; and
- (c) Allow the San Patricio County Fire Marshal to inspect the work pursuant to a permit. The San Patricio County Fire Marshal may make as many scheduled or unscheduled inspections as deemed necessary to enforce this Code. The holder of a permit issued pursuant to this Code that wishes to make a change to the proposed building or substantial improvement, or to construct any building or substantial improvement other than that authorized by the permit, must submit supplemental drawings and/or specifications to the San Patricio County Fire Marshal for review. If the changes do not comply with this Code, the San Patricio County Fire Marshal 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 permit holder's file, and the San Patricio County Fire Marshal shall amend the permit accordingly.

SECTION 5.2 – INSPECTIONS

- (a) All inspections during the process shall be scheduled with the San Patricio County Fire Marshal's Office in advanced. An invoice will be sent by the San Patricio County Fire Marshal's Office for the inspection in accordance with the fee schedule (Appendix B). Once the inspection fee has been paid, the inspection will be scheduled.
- (b) Inspections shall include:
 - a. Underground fire water lines
 - b. Fire Alarm Inspections
 - c. Fire Sprinkler Inspections
 - d. Fire Final Inspections
- (c) If the need arises that the San Patricio County Fire Marshal is unable to schedule an inspection, the permit holder may be required to employ an Independent Third Party Inspector. The need for the third party inspection will be communicated to the permit holder upon the request for inspection. Unless notified by the San Patricio County Fire Marshal, all inspections will be conducted by the San Patricio County Fire Marshal. If a third party inspection is required by the San Patricio Fire Marshal, then the following applies:
 - a. The permitted shall employ an Independent Third Party, International Code Council Certified Building Inspector or Engineer to conduct compliance inspections if requested by the San Patricio County Fire Marshal, to ensure that the building and its components are meeting all construction codes. That Third Party Certified Inspector or Engineer shall complete a final inspection report certifying that the site has passed all Code requirements for that specific inspection.

- (d) The permitted shall ensure their Engineer, Architect, or International Code Council Certified Building Official (ICC-CBO) has made sufficient inspections so that they can complete the as-built certificate as outlined below.
- (e) When the building or substantial improvement is complete and ready for occupancy, an as-built certification form supplied by the San Patricio County Fire Marshal must be completed, signed and sealed by a licenses 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, forms as promulgated by the State Fire Marshal's office shall be included with the as-built certificate. Receipt by the San Patricio County Fire Marshal of a completed, signed and sealed as-built certificate will serve as a request for final inspection.
- (f) Once a completed, signed and sealed form has been turned into the San Patricio County Fire Marshal, and the San Patricio County Fire Marshal determines, after a final occupancy inspection is conducted, that the building or substantial improvement complies with this Code, the San Patricio County Fire Marshal will issue a Certificate of Compliance. The San Patricio County Fire Marshal, at such time, will provide a release of final utilities to the appropriate utility company. Should the San Patricio County Fire Marshal 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 outlines in Part 7 shall commence. No person shall occupy a building or a substantial improvement that the San Patricio County Fire Marshal determines, after inspection, not to be in compliance with this Code unless and until a Certificate of Compliance is subsequently issued for such building or substantial improvement.
- (g) Should the San Patricio County Fire Marshal have to make additional inspections due to non-compliance with this Code, additional fees may be assessed per EXHIBIT "B".

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 a remedy or relief under this procedure before seeking a remedy or relief in a court of law. Application for a permit is deemed to be a waiver by the Applicant of the right to challenge this Code in a court of law before exhausting the relief or remedies provided for in this Code.

- (a) To appeal the denial of a permit application by an appointee of the San Patricio County Fire Marshal, an appellant must submit a written statement to the San Patricio County Fire Marshal setting forth the reasons why the permit application should be approved. If the San Patricio County Fire Marshal sustains the appointee's denial of the permit, the appellant must seek review of the decision by the San Patricio County Commissioners Court pursuant to Section 6.2 below.
- (b) If the permit application is denied by the San Patricio County Fire Marshal personally, an appellant must seek review of the decision by the San Patricio County Commissioners Court pursuant to Section 6.2 below.

SECTION 6.2 – REVIEW BY COMMISSIONERS COURT

If an appellant wishes to appeal the San Patricio County Fire Marshal's decision to deny a permit application, a written objection (appeal) must be filed with the Commissioners Court Administrator within ten (10) days of the date the San Patricio County Fire Marshal, not an appointee, provides the appellant with a written denial of the permit. The Commissioners Court Administrator will place the matter on the Agenda of the Commissioners Court for review at a regularly scheduled meeting of Commissioners Court within 30 (thirty) days of receiving the written objection (appeal). Notice that the matter is on the Agenda will be sent to the appellant by regular First Class U.S. mail at the appellant's address shown on the permit, application, or written objection (appeal). The Commissioners Court will review the matter. The Commissioners Court may either affirm or reverse the decision of the San Patricio County Fire Marshal. The decision of the San Patricio County Fire Marshal shall remain in full force and effect pending review and action by the Commissioners Court.

SECTION 6.3 – VARIANCES

If any person wishes an exception to any provision of this Code, that person shall request a variance from the San Patricio County Fire Marshal. The San Patricio County Fire Marshal shall 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; and
- (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. Economic hardship **shall not** constitute the sole basis for granting a variance. If the San Patricio County Fire Marshal issues a variance, the San Patricio County Fire Marshal shall only issue a variance to the extent minimally necessary, considering any possible fire hazards, to afford relief to the person requesting the variance. If a variance is granted, a permit shall be issued and the permittee shall conform to all applicable provisions of this Code except the specific Sections for which a variance is granted. If the San Patricio County Fire Marshal denies a variance, the applicant for the variance may make a written objection (appeal) in the same manner as provided in Section 6.2 of this Code.

PART 7 - ENFORCEMENT

SECTION 7.1 – ENFORCEMENT

If any person violates any provisions of this Code, the San Patricio County Fire Marshal may notify the Criminal District Attorney and request that the Criminal 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 Sections 233.066 or 233.067 of the Texas Local Government Code of up to \$200 for each day that a violation exists. If a violation continues, San Patricio County may file a Certificate of Non-Compliance in the Real Property Records of San Patricio County. Once the violation has been resolved, any individual may request that a Certificate of Compliance be filed in the Real Property Records of San Patricio 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 cost of effecting compliance. Should the building be occupied without final occupancy inspection as required

under this Code, or for any violation of Section 352.016 of the Texas Local Government Code, the County Fire Marshal may submit a case for review to the Criminal District Attorney's Office of alleged violations punishable pursuant to Section 352.022 of 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 San Patricio County Fire Marshal.

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 San Patricio County Fire Marshal.

SECTION 8.2 – MAINTENANCE OF RECORDS

The San Patricio County Fire Marshal 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 San Patricio County Fire Marshal 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 arrangement 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. The fees required under this Code are established by a separate San Patricio County Commissioners Court Order.

PART 9 - SEVERABILITY AND CONSTRUCTION

The provisions of this Code are severable. If any work, 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 the International Fire Code 2018 Edition.

CHAPTER 1 - Administration

Section 101 – General

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

102.3 - Change of use or occupancy **DELETES** the following:

International Existing Building Code.

102.5 - Historic buildings. Deleted in its entirety.

§109 - Board of Appeals is **DELETED** in its entirety. (Part 6 of this Code provides for appeals of the decisions of the San Patricio County Fire Marshal.)

CHAPTER 2 - Definitions

Section 201 General

201.3 Terms defined in other codes.

Where terms are not defined in this Code and are defined in the codes and regulation referenced in Chapter 45, Referenced Standards, such terms shall have the meanings ascribed to them as in those codes.

Section 202 General Definitions

The following definitions will be included:

- A. Cul-de-sac. A dead-end street with a turn-around at the closed end.
- B. Dead-ends. A street or alley that has no regular exit or outlet. A closed end street.
- C. High-Rise Building. A building that has floors used for human occupancy located more than 65 feet above the lowest level of fire department vehicle access.
- D. 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.

CHAPTER 3 - General Precautions against Fire

Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* other than agricultural burning by a holder or employee of holder of a Texas Agricultural or Timber Registration unless conducted and approved in accordance to this section. Person(s) conducting outdoor agricultural burning must show proof of Texas Agricultural or Timber Registration upon request by the San Patricio County Fire Marshal, or his designee.

307.1.1 Prohibited Open Burning. Open burning that is hazardous or emits hazardous vapors or emissions or when atmospheric conditions or local circumstances make such fire hazardous, shall be prohibited.

307.2 Notice required, Permit Not Required. Approval shall be obtained from the San Patricio County Fire Marshal in accordance with Section 105 prior to kindling a fire for recognized agricultural, range or wildlife management practices, prevention or control of disease or pest, open burning or bonfire during a County Burn Ban. When burning NOT under a County Burn Ban, approval is not required, however notice shall be given prior to or at ignition of flames to the San Patricio County Fire Marshal or Sheriff's Department by calling 361-364-2251. The San Patricio County Fire Marshal, or his designee, may revoke any prior approval to burn if circumstances are contrary to this section, causing said permit or approval to be null and void.

307.2.1 Authorization. All outdoor burning in unincorporated San Patricio County shall be done in accordance with Texas Outdoor Burning Rule Title 30, Texas Administrative Code (30 TAC) Sections 111.201 through 111.221. If a conflict should arise between this Code and above Rule, then the more stringent rule shall apply, except in the case of agricultural burning. Where required by law, open burning shall only be permitted or approved by the state and/or local air and water quality management authority provided that all conditions specified in the authorization are followed.

307.2.1.1 Daily Approval. All burning activities shall require daily notice to the San Patricio County Fire Marshal or Sheriff's Department when not under a County Burn Ban. Prior approval from the San Patricio County Fire Marshal is required before burning anything when under a County Burn Ban.

307.2.3 Restricted Outdoor Burning. It shall be unlawful for a person, firm or corporation to ignite or burn materials when the San Patricio County Fire Marshal has determined a "No Burn Day" and the San Patricio County Commissioners' Court has a County Burn Ban in effect. Emergency situations such as burning potentially diseased animal carcasses may be approved by the Fire Marshal on a case by case basis.

307.3 Extinguishment authority. The San Patricio County Fire Marshal is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation.

307.4 Location. The location for open burning shall not be less than 300 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than 25 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 300 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 300 feet of a structure shall be eliminated prior to ignition. Fires found to be out of control or that are being conducted in an unsafe manner will be extinguished by the assigned Fire Department and cost will be charged back to the permit holder.

307.4.2 Recreational Fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible materials. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.4.3 Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2 and the State requirements for trench burns.

307.4 Attendance. Open burning, bonfires, or recreational fires shall be constantly attended by a competent adult until the fire is extinguished with no remaining open flames. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel with approved bucket, garden hose, or water truck, shall be available for immediate utilization. The fire-extinguishing equipment that is available on site shall be comparable to the size of the fire.

307.5 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction. Exceptions: One and two-family dwellings.

307.6 Penalties and Violations: Persons who shall violate a provision of this, General Precautions against Fire, or fail to comply with any of the requirements thereof, or who fail to follow the directives of the San Patricio County Fire Marshal, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 508 – FIRE PROTECTION WATER SUPPLIES

Section 508.1 is amended by adding the following sentence:

In the unincorporated areas of San Patricio County where water supply is not normally found, a water supply as otherwise required by this section will not be required if the responsible emergency services district or fire department provides a letter stating they can provide sufficient fire flow for the specific project.

SECTION 601 BUILDING SERVICES AND SYSTEMS

Section 601.1 Scope is amended and 601.1.1 is added, to read as follows:

The provisions of this chapter shall apply to the installation, operation and maintenance of fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevator recall, stationary lead–acid battery systems and commercial kitchen hoods. Such design and construction shall comply with this section and the appropriate State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulations.

601.1.1 Conflict between provisions. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulations, the more stringent of the provisions shall apply.

CHAPTER 56 - Explosives and Fireworks

Section 5602.1 Definitions is amended and/or added to read as follows:

Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Section 5610 Fireworks 1.4G Retail, Storage, Display, and Sale (is added)

5610.1 General. The sale, storage, and display of Fireworks 1.4G is subject to the authority of the San Patricio County Fire Marshal, including the authority to inspect, determine the presence of fire hazards, and order corrections pursuant to Texas Local Government Code, Chapter 352.016.

5610.2 – Building Services. All building service in Fireworks 1.4G retail sales and storage buildings must comply with the provisions of this section.

5610.2.1 - Electrical work. Electrical work performed in an unincorporated area of the County must be installed in accordance with the requirements of the National Electrical Code, unless qualified as an “Agricultural Use Only” structure under Section 4.1.

5610.2.2 - Required listing. All electrical equipment, battery-powered equipment, and electrical cords shall be listed and shall be used in accordance with their listing.

5610.2.3 - Temporary Power. The San Patricio County Fire Marshal is authorized to give permission or deny temporarily supply and use power for up to 180 days.

5610.24 - Temporary Electrical Conductors - All temporary conductors shall comply with the National Electrical Code.

5610.2.5 - Portable generators. Portable generators supplying power to consumer fireworks retail sales facilities shall comply with this section.

(5.1) Portable generators shall be located not less than 20 ft. from the consumer fireworks retail sales facility and in an area free from grass, trash, and other combustible flammable materials.

(5.2) Generator fuel shall be stored in an approved safety container at least 20 ft from the consumer fireworks retail sales facility. If the fuel is located less than 50 feet from the sales facility, the quantity shall be limited to not more than 5 gallons. Where the generator fuel storage is located at least 50 feet from the consumer fireworks retail sales facility, the quantity of such fuel is not limited.

EXHIBIT B - FEE SCHEDULE



San Patricio County Fire Marshal's Office

Fire Inspection Fees

Fire/Arson Reports	\$0.10 (per page)
Airports, Heliports & Helistops	\$100.00 (Annually)
Annual Fire Inspection	\$125.00 (Annually)
Assembly	\$20.00 (Annually)
Automatic Sprinklers, Standpipes, & Fire Lines (Testing)	\$125.00 (Per Visit)
Bars	\$125.00 (Annually)
Churches (One-time Fee with No Day Care Facility on Premises)	\$25.00 (Annually)
Combustible Fibers (Storage/Handling)	\$125.00 (Annually)
Compressed Gas	\$500.00 (Annually)
Commercial Vent-A-Hood Cleaning	\$125.00 (Annually)
Cryogenic Fluids	\$500.00 (Annually)
Day Care Facilities (Or Similar Short-Term Occupancies)	\$50.00 (Annually)
Dry Cleaning Plants	\$125.00 (Annually)
Exhibits/Trade Shows (Special Events)	\$125.00 (Per Event)
Explosives, Blasting Agents and Ammunition Storage	\$175.00 (Annually)
Explosives, Demolition	\$500.00 (Per Event)
Extinguishing Systems	\$125.00 (Per Inspect.)
Flame Effects	\$175.00 (Per Event)
Flammable/Combustible Liquids	\$125.00 (Annually)
Flammable Finishes	\$125.00 (Annually)
Fire Alarm Systems	\$125.00 (Annually)
Fireworks Display (Aerial) (Unless government entity or open to the public	\$125.00 (Annually)
Fireworks Display (Non-Aerial) (Unless government entity or open to the public	\$125.00 (Annually)
Fireworks Stand (For Sale to the Public)	\$125.00 (Annually)
Food Truck	\$125.00 (Annually)
Foster Homes/Group Homes	\$25.00 (Annually)
Fumigation & Thermal Insecticide Fogging	\$350.00 (Annually)
General Fire Inspection (Other than Annual Fire Inspection)	\$125.00 (Annually)
Hazardous Chemicals	\$500.00 (Annually)
High Piled Combustible Stock	\$125.00 (Annually)
High Rise Life Safety System (Testing Before Issuance of C/O)	\$200.00 (Per Test)

Hospitals & Nursing Homes (per bed)	\$250.00 (Flat Fee + \$1.25 per bed)
Liquefied Natural Gas	\$500.00 (Annually)
Liquefied Petroleum Gas	\$125.00 (Annually)
Lumber Storage	\$125.00 (Annually)
Mechanical Refrigeration	\$125.00 (Annually)
Open Burning	No Fee
Organic Coatings	\$125.00 (Per Visit)
Plans Review	\$125.00 (Per Review)
Pressure Test (Fuel Storage and/or Product Lines)	\$125.00 (Per Visit)
Re-inspection Fees ***	\$75.00 (Per Inspect)
Repair Garages	\$125.00 (Annually)
Restaurants	\$125.00 (Annually)
Special Handling Fees (Less Than 24 Hour Notice)	\$125.00 (Per Inspect)
Tank Vehicles for Flammable/Combustible Liquids	\$125.00 (Annually)
Tents & Air Supported Structures	\$100.00 (Annually)
Tire Rebuilding Plant	\$500.00 (Annually)
Underground/Aboveground Fuel Tanks (Installation and/or Removal) Agricultural use only tanks are exempt if located 300' or more from any human shelter.	\$125.00 (Annually)
Visuals – Fire Alarm/Automatic Sprinkler (Aboveground/Underground)	\$75.00 (Per Visit)
Wrecking Yard, Junkyard, or Waste Handling	\$250.00 (Annually)

***** Inspection fee covers initial inspection plus one re-inspection if needed. Any subsequent inspections are subject to a \$75.00 re-inspection fee per visit.**

EXHIBIT C – LOCAL GOVERNMENT CODE

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE B. COUNTY REGULATORY AUTHORITY

CHAPTER 233. COUNTY REGULATION OF HOUSING AND OTHER STRUCTURES

SUBCHAPTER C. FIRE CODE IN UNINCORPORATED AREA

Sec. 233.061. AUTHORITY TO ADOPT AND ENFORCE FIRE CODE. (a) The commissioners court of a county with a population of over 250,000 or a county adjacent to a county with a population of over 250,000 may adopt a fire code and rules necessary to administer and enforce the fire code.

(b) The commissioners court, or any municipality in the county, may contract with one another for the administration and enforcement of the fire code.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan 1, 1991. Amended by Acts 1997, 75th Leg., ch. 598, Sec. 1, eff. June 11, 1997. Renumbered from Sec. 235.001 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(4), eff. Sept. 1, 2001.

Sec. 233.0615. DEFINITIONS; SUBSTANTIAL IMPROVEMENT; CONSTRUCTION. (a) In this subchapter:

(1) "Building" includes an establishment or multifamily dwelling.

(2) "Substantial improvement" means:

(A) The repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds 50 percent 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 has begun; or

(B) A change in occupancy classification involving a change in the purpose or level or activity in a building, including the renovation or a warehouse into a loft apartment.

(b) For purposes of this subchapter, 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.

- (c) For purposes of this subchapter, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:
 - (1) The first materials are added to the original property;
 - (2) Foundation pilings are installed on the original property; or
 - (3) A manufactured building or relocated structure is placed on a foundation on the original property.

Added by Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec.1, eff. June 17, 2005.

Sec 233.062. APPLICATION AND CONTENT OF FIRE CODE. (a) The fire code applies only to the following buildings constructed in an unincorporated area of the county:

- (1) A commercial establishment;
 - (2) A public building; and
 - (3) A multifamily residential dwelling consisting of four or more units.
- (b) The fire code does not apply to an industrial facility having a fire brigade that conforms to requirements of the Occupational Health and Safety Administration.
- (c) The fire code must:
- (1) Conform to:
 - (A) The International Fire Code, as published by the International Code Council, as the code existed on May 1, 2005; or
 - (B) The Uniform Fire Code, as published by the National Fire Protection Association, as the code existed on May 1, 2005; or
 - (2) Establish protective measures that exceed the standards of the codes described by Subdivision (1).
- (d) The commissioners court may adopt later editions of a fire code listed in Subsection (c).

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan. 1, 1991. Renumbered from Sec. 235.002 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(4), eff. Sept. 1, 2001.

Amended by: Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec. 2, eff. June 17, 2005.

Sec. 233.063. BUILDING PERMIT; APPLICATION. (a) A person may not construct or substantially improve a building described by Section 233.062(a) in an unincorporated area of the county unless the person obtains a building permit issued in accordance with this subchapter.

- (b) A person may apply for a building permit by providing to the commissioners court:
 - (1) A plan of the proposed building containing information required by the commissioners court;
 - and
 - (2) An application fee in an amount set by the commissioners court.
- (c) Within 30 days after the date the commissioners court receives an application and fee in accordance with Subsection (b), the commissioners court shall:
 - (1) Issue the permit if the plan complies with the fire code; or
 - (2) Deny the permit if the plan does not comply with the fire code.
- (d) If the commissioners court receives an application and fee in accordance with Subsection (b) and the commissioners court does not issue the permit or deny the application within 30 days after receiving the application and fee, the construction or substantial improvement of the building that is the subject of the application is approved for the purposes of this subchapter.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan. 1, 1991. Renumbered from Sec. 235.003 and amended by Acts 2001, 77th Leg., ch; 1420, Sec. 12.003(4), eff Sept 1, 2001.

Amended by: Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec. 3, eff. June 17, 2005.

Sec. 233.064. INSPECTIONS. (a) The county shall inspect a building subject to this subchapter to determine whether the building complies with the fire code.

- (b) The commissioners court may provide that a county employee or an employee of another governmental entity under intergovernmental contract may perform the inspection.
- (c) A building inspector may enter and perform the inspection at a reasonable time at any stage of the building's construction or substantial improvement and after completion of the building.
- (d) On or before the date that construction or substantial improvement of a building subject to this subchapter is completed, the owner of the building shall request in writing that the county inspect the building for compliance with the fire code.
- (e) Except as provided by Subsection (e-1), the county shall begin the inspection of the building within five business days after the date of the receipt of the written inspection request. If an inspection is properly requested and the county does not begin the inspection within the time permitted by this subsection, the building that is the subject of the request is considered approved for the purposes of this subchapter.

(e-1) a county with a population of more than 3.3 million shall begin the inspection of the building within 10 business days after the date of receipt of the written inspection request, except the county shall begin the inspection of an indoor retail fireworks site, as defined by Section 2154.001, Occupations Code, within five business days after the date of receipt of the written inspection request.

- (f) The county shall issue a final certificate of compliance to the owner of a building inspected under this section if the inspector determines, after an inspection of the completed building, that the building complies with the fire code. For a building or complex of buildings involving phased completion or build-out, the county may issue a partial certificate of compliance for any portion of the building or complex the inspector determines is in substantial compliance with the fire code.
- (g) If the inspector determines, after an inspection of the completed building, that the building does not comply with the fire code, the county may:
 - (1) Deny the certificate of compliance; or
 - (2) Issue a conditional or partial certificate of compliance and allow the building to be occupied.
- (h) A county that issues a conditional certificate of compliance under Subsection (g) shall notify the owner of the building of the violations of the fire code and establish a reasonable time to remedy the violations. A county may revoke a conditional certificate of compliance if the owner does not remedy the violations within the time specified on the conditional certificate of compliance.
- (i) A building may not be occupied until a county issues a final, conditional, or partial certificate of compliance for the building.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan. 1, 1991. Renumbered from Sec. 235.004 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(4), eff. Sept 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec. 4, eff. June 17, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 797 (H.B. 2266), Sec. 1, eff. September 1, 2011.

Acts 2021, 87th Leg., R.S., Ch. 984 (H.B. 2610), Sec. 1, eff. September 1, 2021.

Sec. 233.065. FEES. (a) The commissioners court may develop a fee schedule based on building type and may set and charge fees for an inspection and the issuance of a building permit and final certificate of compliance under this subchapter.

- (b) The fees must be set in amounts necessary to cover the cost of administering and enforcing this subchapter.
- (c) The county shall deposit fees received under this subchapter in a special fund in the county treasure, and money in that fund may be used only for the administration and enforcement of the fire code.
- (d) The fee for a fire code inspection under this subchapter must be reasonable and reflect the approximate cost of the inspection personnel, materials, and administrative overhead.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan 1, 1991. Renumbered from Sec. 235.006 by Acts 2001, 77th Leg., ch; 1420, Sec. 12.003(4), eff. Sept 1, 2001.

Amended by: Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec. 5, eff. June 17, 2005.

Sec. 233.066. INJUNCTION. The appropriate attorney representing the county in the district court may seek injunctive relief to prevent the violation or threatened violation of the fire code.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan 1, 1991. Renumbered from Sec. 235.006 by Acts 2001, 77th Leg., ch; 1420, Sec. 12.003(4), eff. Sept 1, 2001.

Sec. 233.067. CIVIL PENALTY. (a) The appropriate attorney representing the county in civil case may file a civil action in a court of competent jurisdiction to recover from a person who violated the fire code a civil penalty in an amount not to exceed \$200 for each day on which the violation exists. In determining the amount of the penalty, the court shall consider the seriousness of the violation.

- (b) The county shall deposit amounts collected under this section in the fund and for the purposes described by Section 233.065(c).

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan 1, 1991. Renumbered from Sec. 235.007 and amended by Acts 2001, 77th Leg., ch; 1420, Sect. 12.003(4), eff. Sept 1, 2001.

STATE OF TEXAS
COUNTY OF SAN PATRICIO

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§

COUNTY COMMISSIONERS COURT

**ORDER TO UPDATE THE
SAN PATRICIO COUNTY FIRE CODE**

WHEREAS, on January 26, 2015, the Commissioners Court of San Patricio County, Texas (The "County") adopted the 2006 International Fire Code as the San Patricio County Fire Code. The authority for a Commissioners Court to adopt a Fire Code is given in Chapter 233, Subchapter C, Texas Local Government Code, §233.061 et seq., as amended.

WHEREAS the International Fire Code releases an updated code every three years to ensure new fire and life safety concerns are addressed; and

WHEREAS the continuing change of building materials, fire suppression systems, and technology continue to advance beyond the scope of the existing code, and

WHEREAS the San Patricio County Fire Code is currently six cycles behind the latest updated version, and

WHEREAS surrounding cities and counties have updated their Fire Code to meet the changing needs in order to protect life and property, it becomes necessary for the County Fire Code to be updated.

NOW THEREFORE, the Commissioners Court of San Patricio County, Texas on the 31st of October, 2022, does hereby order the adoption of the 2018 International Fire Code as the San Patricio County Fire Code as amended.

This Order Shall be effective on this the 7th day of November, 2022.

The motion to adopt the 2018 International Fire Code as the San Patricio county Fire Code as amended was made by Commissioner Gillespie and seconded by Commissioner Lopez. A vote was called for by the San Patricio County Judge and the motion passed by a vote of 4-0. The foregoing ordinance adopting the 2018 International Fire Code as the San Patricio County Fire Code is hereby entered into the minutes of the Commissioner's Court of San Patricio County, Texas.

(SEAL)



David Kulis
San Patricio County Judge

Gracie Alariz Gonzales
San Patricio County Clerk

Date: 11.7.2022