



WALLER COUNTY FIRE CODE

International Fire Code, 2021
Date: January 1st, 2025

ABSTRACT

The fire code document produced by the Waller County Fire Marshal's Office provides a comprehensive overview of the fire safety regulations, guidelines, and requirements applicable within Waller County, Texas. This document serves as a crucial resource for residents, businesses, and authorities, outlining the necessary measures and standards to prevent and mitigate fire hazards. It covers various aspects such as building construction, fire protection systems, occupancy limits, hazardous materials storage, emergency exits, and fire prevention education. By adhering to the fire code outlined in this document, stakeholders can ensure the safety of individuals, protect property, and promote a fire-resistant environment throughout Waller County.

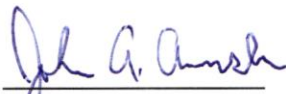


Waller County Fire Code

Adopted: November, 20th 2024

Waller County Commissioners Court


County Judge


Commissioner, Pct. 1


Commissioner, Pct. 2


Commissioner, Pct. 3


Commissioner, Pct. 4

Waller County Fire Marshal's Office

Brian Cantrell, Waller County Fire Marshal

State of Texas

County of Waller

Order No. _____

Waller County Fire Code

WHEREAS, 233.061 of the Texas Local Government Code authorizes the County to adopt a fire code and rules necessary to administer and enforce the fire code; and

WHEREAS, the Commissioners Court of Waller County finds 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 protections for people exposed to fire; and

WHEREAS, the Waller County Commissioners Court previously established the Waller County Fire Marshal's Office and adopted the 2009 International Fire Code by order on November 8, 2011, which became effective on January 1, 2012; and

WHEREAS, the Waller County Fire Marshal has reviewed several model fire codes and has recommended the Commissioners Court adopt the International Fire Code 2021, published by the International Code Council because it provides the appropriate protective measures and continuity with other local governments in and around Waller County, Texas; and

WHEREAS, the purpose of this Fire 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 multifamily residential dwellings consisting of four or more units to reduce the risk to life and property from fire; and

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

WHEREAS, the Waller County Commissioners Court desires to adopt the 2021 International Fire Code, with certain changes to its wording, to protect life and property, and to promote the health, safety, and welfare of the general public;

NOW, THEREFORE, BE IT ORDERED by the Commissioners Court for Waller County that the document attached hereto, titled the Waller County Fire Code, is made a part of this order, and is adopted as the Waller County Fire Code, which shall be effective on January 1st, 2025.

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WALLER COUNTY FIRE CODE

Fire Marshal Brian Cantrell

Part 1 **Administrative and General Provisions**

1.1 **AUTHORITY**

The Waller County Fire Code ("Code") is hereby adopted by the Commissioners Court of Waller County, Texas, acting in its capacity as the governing body of Waller County, Texas pursuant to Texas Local Government Code Chapter 233, Section 233.061. This Code repeals and replaces any other fire code for Waller County, Texas, and may be amended at any time by a majority vote of the Commissioners' Court.

1.2 **PURPOSE**

This Code provides the minimum requirements, with due regard to function, for the design and construction of public buildings, commercial establishments, and multi-family residential dwellings, and for any substantial improvements made thereto. These minimum requirements are intended to reduce the risk to life and property from fire. The County Fire Marshal shall also enforce applicable fire and life safety laws and regulations independent of this Code, regardless of whether the construction of a building or premises was subject to this Code. This Code is not intended in any way to limit the statutory authority of the County Fire Marshal; rather it is intended that such authority be retained to the fullest extent authorized by law.

1.3 **CONSTRUCTION**

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. References to standards made within this Code are references to the standards identified in Chapter 80 of the *International Fire Code*, 2021 Edition. Such standards shall be considered requirements under this Code. If conflicts occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply. If there is a conflict between a general requirement and specific requirement within this Code, the specific requirement shall control.

1.4 APPLICATION

This Code applies to public buildings, commercial establishments, and multi-family residential dwellings for which construction or a substantial improvement begins on or after the effective date of this Code.

1.5 AREA OF JURISDICTION

This Code applies to the unincorporated areas of Waller County, Texas.

1.6 FIRE CODE

The Waller County Commissioners' Court adopts the Waller County Fire Code. The Waller County Fire Code is comprised of the following:

- A. This document, titled the "Waller County Fire Code," together with all of its exhibits and attachments; and
- B. The *International Fire Code*, 2021 Edition in its entirety, and all of its references, and Appendices A, B, C, D, E, F, G, H, I, J, K, L, M and N as published by the International Code Council.

1.7 FIRE CODE OFFICIAL

The Fire Code Official is the holder of the statutory office of County Fire Marshal for Waller County, Texas, his designee(s), or his duly authorized representative(s). The terms "fire marshal," "fire chief," "fire code official," and "Waller County Fire Marshal" may be used interchangeably. The Fire Code Official is responsible for the administration of this Code, issuance of permits required by this Code, enforcement of this Code and maintenance of proper records. The Fire Code Official is responsible for all administrative decisions, determinations, and duties. The Fire Code Official may conduct inspections required by this Code. The Fire Code Official may seek and secure the assistance of other officials of Waller County in making decisions and determinations, and in performing administrative duties. However the Fire Code Official is not required to conform to the recommendations of others. Any decision of the Fire Code Official may be appealed by the process described by Part 3 of this Code.

1.8 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 fire hazard. This Code shall not create liability on the part of Waller County or any official, officer, employee, or agent thereof for any damages that result from reliance on this Code or any administrative decision lawfully made hereunder. The granting of a permit or issuance of a Certificate of Compliance does not imply that the building can be insured for fire coverage.

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 the material, method or work offered is, for the purpose intended, at least the equivalent in

quality, strength, effectiveness, fire resistance, durability, and safety as that which may be prescribed in this Code.

PART 2 PERMITS AND CERTIFICATES OF COMPLIANCE

2.1 PERMIT REQUIRED

- A. No person shall authorize or begin construction or any substantial improvement within the unincorporated areas of Waller County without first securing a permit under this Code. A permit is required prior to the start of any construction.
- B. If a lockbox is required, a permit must be obtained prior to its installation pursuant to Part 2.6 of this Code.

2.2 APPLICATION FOR PERMIT

The application for a permit must be made on a form prescribed by the Fire Code Official, and must be supported by the following:

- A. One complete set of electronic construction and site plans, drawn to scale for the proposed building or system, containing all specifications, including the following:
 - i. The types of construction materials and class of interior finish;
 - ii. The location of all exits, with their widths, types, and any special requirements stated, and with the distances between exits called out;
 - iii. The location of any fire alarm equipment, automatic sprinklers, emergency lighting, and any other necessary safety measures required by this Code; and
 - iv. A permit fee in accordance with Part 5.2 and Exhibit A.
- B. If the permit is for the construction of a substantial improvement, the applicant must submit data reflecting the cost of the improvement, restoration, reconstruction, or remodeling. Costs shall include the value of all labor and materials. In cases where a structure has suffered damage other than minor damage, the Fire Code Official may require the submittal of an independent certified damage assessment.
- C. 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, and/or documents, and may require the submission of paper copies.

An application is not considered complete until all required documentation and payment is submitted to the Fire Marshal's Office.

2.3 DETERMINATION OF PERMIT ELIGIBILITY

After the application is filed, the Fire Code Official shall determine if the proposed public building, commercial establishment, or multi-family residential dwelling meets the minimum requirements of this Code based on the information provided.

- A. If it is determined that the proposed construction or substantial improvement meets the requirements, a permit will be issued after the collection of the appropriate fees outlined in Section 5.2 and Exhibit A.

- 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 a written explanation as to why it was not approved.

2.4 PERMIT ISSUANCE

Within 30 days after the date the Fire Code Official receives a completed application and the permit application fee is paid in full in accordance with this Code, the Fire Code Official shall:

- A. Issue the permit if the application complies with this Code; or
- B. Deny the application if the application does not comply with this Code.

If the Fire Code Official receives an application and fee payment in accordance with this Code, and fails to issue the permit or deny the application within 30 days after receiving the application and fee payment, the construction or substantial improvement of the building that is the subject of the application is approved for purposes of this Code.

2.5 PERMIT TIME LIMITATION

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 granted by the Fire Code Official.

2.7 PERMIT AMENDMENT

A permit holder that wishes to make a change to the permitted construction or substantial improvement of a public building, commercial establishment, or multi-family residential dwelling, or perform any construction or substantial improvement other than what was authorized by the permit must submit supplemental drawings and/or specifications to the Fire Code Official for review. If the change complies with this Code and is approved, the Fire Code Official shall amend the permit to include the change, and a copy of the supplemental drawing and/or specifications shall be added to the permittee's file.

2.8 PERMITTEE'S RESPONSIBILITIES

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 that meets the requirements of the *International Fire Code*, 2021 Edition section 505.1; and
- C. Allow the Fire Code Official to inspect the work done pursuant to a permit. The Fire Code Official may make as many scheduled or unscheduled inspections as are deemed necessary to enforce this Code.

2.9 CERTIFICATE OF COMPLIANCE

- A. A Certificate of Compliance is issued by the Fire Code Official indicating construction or substantial improvement is in compliance with the Waller County Fire Code as of a specific date and for a specific occupancy. A Certificate of Compliance under this Fire Code shall not be construed as authorizing the owner or operator of any building to afterward operate or maintain such building in such a way as to create, cause, or allow

the existence of a fire or life safety condition, which condition shall be subject to the independent enforcement authority of the County Fire Marshal.

- B. When the construction or substantial improvement is complete and ready for occupancy, the permit holder must complete and submit an inspection form supplied by the Fire Marshal's Office. If the building has an automatic fire protection system, a completed Form SF035 as promulgated by the State Fire Marshal's Office must be included with the inspection form. The permit holder shall ensure their engineer, architect, or general contractor has made sufficient inspections before completing the inspection form.
- C. A final inspection will be scheduled when a completed, signed, and sealed Request for Final Inspection form is submitted. A Fire Code Official will perform the final inspection.
- D. If the Fire Code Official determines, after the final inspection, that the construction or substantial improvement complies with this Code and with the permit, he or she shall issue a Certificate of Compliance. A Certificate of Compliance is necessary for a person to occupy a public building, commercial establishment, or multi-family residential dwelling.
- E. If the Fire Code Official determines, after the final inspection, that the construction or substantial improvement does not comply with this Code or with the permit, he or she will not issue a Certificate of Compliance. A person may not occupy a public building, commercial establishment, or multi-family residential dwelling if the Fire Code Official determines after a final inspection that the facility is not in compliance with this Code.
- F. If the Fire Code Official is required to make additional inspections because the public building, commercial establishment, or multi-family residential dwelling does not comply with this Code, additional fees may be assessed as outlined in Part 5.2 and Exhibit A.

PART 3 APPEALS AND VARIANCES

3.1 BOARD OF APPEALS

The Board of Appeals was established by the Waller County Commissioners' Court on February 28, 2018 in order to hear and decide appeals of orders, decisions, or determinations made by the Fire Code Official concerning the application and interpretation of this Code. The Commissioners Court appoints the members of the Board of Appeals in accordance with Local Appendix A: Board of Appeals. The Fire Code official acts as secretary of the board, but has no vote on any matter before the board.

3.2 REVIEW BY COMMISSIONERS COURT

If the Fire Code Official or the appellant wishes to appeal the Board of Appeals' decision, a written objection must be filed with the Clerk of the Commissioners' Court within 10 working days of the date the Board of Appeals' decision is filed. The Clerk will notify the President of the Board of Appeals, who will then place that matter on the Agenda of the Commissioners' Court for review at the next meeting of Commissioners Court. If the Fire Code Official files the objection, notice that the matter is on the Agenda will be sent to the appellant by mail at the appellant's address shown on the permit or application. Commissioners' Court will review the matter. The

Commissioners Court may either affirm or reverse the decision of the Board of Appeals. The Fire Code Official's decision will remain in effect pending the review of Commissioners' Court.

3.3 VARIANCES

- A.** If any person wishes to be granted variance from any provision of this Code, that person shall request a variance in the manner prescribed by Local Appendix A: Board of Appeals, Section 1.10 Procedures. The Board of Appeals shall hold a hearing, and deny or grant the variance. Variances will be granted only if all of the following are met:
 - i.** The applicant has shown good and sufficient cause;
 - ii.** It has been determined that failure to grant the variance would result in an exceptional hardship to the applicant;
 - iii.** The granting of a variance will not result in an increased risk of fire, additional threats to public safety, extraordinary public expense, or create nuisance, cause fraud or victimization of the public; and
 - iv.** Variances shall only be issued upon a determination that a variance is the minimum necessary, considering the fire hazard, to afford relief.
- B.** Economic hardship shall not constitute the sole basis for granting a variance. An appeal hearing before Commissioners Court regarding variances shall be requested in the manner provided in Local Appendix A: Board of Appeals, Section 1.13 Review by Commissioners Court. If a variance is granted, a permit shall be issued, and the permittee shall conform to all applicable provisions of this Code except the sections for which a variance is granted.

PART 4 VIOLATIONS AND ENFORCEMENT

4.1 VIOLATION REPORTS

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

4.2 CIVIL REMEDIES

- A. Injunction.** Pursuant to Texas Local Government Code, Section 233.066, the Criminal District Attorney may seek an injunction to prevent any violation or threatened violation of the Fire Code.
- B. Civil Penalty.** Pursuant to Texas Local Government Code, Section 233.067, the Criminal District Attorney may file a civil action in a court of competent jurisdiction to recover a penalty from a person who violates the Fire Code in an amount not to exceed \$200 for each day on which the violation exists.
- C. Certificate of Non-Compliance.** A Certificate of Non-Compliance is issued by the Fire Code Official indicating construction of substantial improvement is not in compliance with the Waller County Fire Code as of a specific date. If a Fire Code violation continues, the Fire Marshal may file a Certificate of Non-Compliance in the real property records of Waller County, Texas. Once the violation(s) is resolved, an interested individual may request that a Certificate of Compliance be filed in the real property records of Waller County, Texas. A fee for this action will be charged in accordance with Section 8.2 and

Exhibit A herein. The violator shall bear this and all other costs of effecting compliance, including any necessary filing fees.

4.3 CRIMINAL PENALTIES

Pursuant to Texas Local Government Code, Section 352.022, an owner or occupant who is subject to an order issued under Texas Local Government Code Section 352.016 or 352.0165 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense. The offense is a class B misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted two or more times for the same offense, in which event the offense is a state jail felony.

PART 5 FORMS, FEES, AND RECORD MAINTENANCE

5.1 FORMS

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

5.2 FEES

Fees for permits, inspections, and reviews are set by the Commissioners Court. The fee schedule is attached as Exhibit A.

- A. Fees shall be paid by the exact amount by Credit Card through an approved system.
- B. Fees are due before the Waller County Fire Marshal conducts any service, inspection, or review.
- C. All fees paid to the Waller County Fire Marshal's Office are non-refundable
- D. 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 the fund shall be used only for the administration and enforcement of the Waller County Fire Code.
- E. The Commissioners' Court must approve any variance from the Fee Schedule.

The "Fire Code Permit Fee" includes the administrative paperwork, plan review, and inspection required to obtain the Certificate of Compliance.

5.3 RECORD MAINTENANCE

The Fire Code Official must maintain all records in accordance with Local Schedule PS, Retention Schedule for Records of Public Safety Agencies, Part 4: Records of Fire Fighting and Emergency Medical Service Agencies.

PART 6 MISCELLANEOUS

6.1 ORDER OF PRECEDENCE

In the event of any conflict between this document, the Waller County Fire Code, and *International Fire Code*, 2021 Edition, the Waller County Fire Code shall prevail.

6.2 CODE CONSTRUCTION ACT

The Code Construction Act of Texas applies for the purpose of construing these regulations unless an alternative instruction, definition, or application is contained in this Code.

6.3 SEVERABILITY

The provisions of this Code are severable, and if any word, phrase, clause, sentence, section, provision, or part of this Code is determined to be invalid, unenforceable, or unconstitutional, such determination shall not affect any other provision hereof. In the event that any provision of this Code might be interpreted as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

6.4 HEADINGS

The headings of this Code are for convenience or reference only, and shall not affect in any manner any of the provisions herein.

6.5 GENDER

Whenever the context hereof shall so require, the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa.

6.6 LIMITATIONS

This Code does not limit nor expand any other legal remedy available to any person, or to the County, under the laws of Texas and the United States for an injury or claim related to a fire, nor do these regulations have an effect on any activity otherwise prohibited under the laws of Texas or the United States. This Code does not affect the Fire Marshal's 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.

6.7 ABROGATION

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