



Kendall County  
Fire Code

As Adopted: September 13, 2021

Kendall County Commissioners Court

Darrel L. Lux  
County Judge

Christina Bergmann  
Commissioner, Pct. 1

Richard W. Elkins  
Commissioner, Pct. 2

Richard Chapman  
Commissioner, Pct. 3

Don Durden  
Commissioner, Pct. 4

Kendall County Fire Marshal's Office

Jeffery Fincke, Kendall County Fire Marshal

**Order No. 09-13-2021  
Kendall 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 Kendall 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 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 Kendall County finds that adopting a fire code and requiring permits for construction of commercial establishments, public buildings, and multi-family dwellings with four or more units in the unincorporated areas of Kendall County, Texas, allows the County to impose standards to protect the health, safety, welfare and property of the general public; and

**WHEREAS**, the Kendall 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 Kendall County, Texas; and

**WHEREAS**, the Kendall County Commissioners Court previously adopted the 2015 International Fire Code by Order 09-28-2015; and

**WHEREAS**, the Kendall County Commissioners Court desires to adopt the 2021 International Fire Code, with certain changes to its wording; and

**WHEREAS**, upon adoption of the County Fire Code by the Commissioners Court, the Kendall County Fire Marshal's Office shall inspect a building subject to 233.064(a) of the Texas Local Government Code to determine whether the building complies with the County Fire Code; and

**WHEREAS**, the Kendall County Fire Marshal's Office shall issue permits for such inspections and collect fees according to the fee schedule adopted in the Fire Code.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS, THAT:**

Kendall County vacates Kendall County Order 09-28-2015 and adopts the 2021 International Fire Code, with the changes/amendments noted in Exhibit "A" to be known as "The Kendall County Fire Code."

Kendall County Fire Code, as adopted today, shall be effective January 1, 2022, and shall apply to all buildings upon which construction or substantial improvement begins after that date, provided that the fee schedule adopted under this order shall apply to all fees coming due after that date regardless of the date upon which construction or substantial improvement begins for the building subject to the fee.

**ADOPTED THIS 13th day of September, 2021.**



Darrel L. Lux  
County Judge



Christina Bergmann  
County Commissioner, Pct. 1



Richard W. Elkins  
County Commissioner, Pct. 2



Richard Chapman  
County Commissioner, Pct. 3



Don Durden  
County Commissioner, Pct. 4

Attest: 

Darlene Herrin  
County Clerk

KENDALL COUNTY FIRE CODE  
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## **KENDALL 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 Kendall County, Texas, acting in its capacity as the governing body of Kendall County, Texas. The authority of Kendall 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 adopted. The Code shall apply to public buildings, commercial establishments, and multi-family residential dwellings with four or more units for which construction or substantial improvements, as defined in this Code, begins on 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 Kendall 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 improvements of public buildings, commercial establishments, and multi-family residential dwellings to reduce the risk to life and property from fire. Fire safety in regard to operations and use of building 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 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 authorized by law.

#### **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 referenced in this Code shall be those that are listed in Chapter 80 of International Fire Code 2021 Edition, 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 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, covenant, 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 fire hazard. This code shall not create liability on the part of Kendall County or any officer employee, or agent 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 - Basis for Regulation**

The Kendall County Fire Code shall consist of this Code plus the International Fire Code 2021 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.

## **Section 1.8 - Alternative Materials and Methods**

This 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 of the prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety.

## **Section 1.9 - Incorporation of Defined Words and Phrases**

If a word or phrase is defined in the International Fire Code, 2021 Edition, the definitions in that Code apply to that word or phrase when used in this Code unless otherwise defined in Part 2 of this Code.

### ***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 Kendall 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 of substantial improvement is not in compliance with the Kendall County Fire Code as of a specific date. This certificate may be filed with 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, and all related improvements on a site as specified in Texas Local Government Code 233.0615(c). A permit is required prior to the start of any such 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:

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.

### **Section 2.4 - County Fire Marshal**

“County Fire Marshal” means the holder of the statutory office of County Fire Marshal for Kendall County or the employee(s) designated by the County Fire Marshal to perform a task required by this Code. The terms “County Fire Marshal,” “Fire Marshal,” and “Kendall County Fire Marshal” shall be interchangeable.

### **Section 2.5 - Fire Code**

“Fire Code” means the Kendall County Fire Code and the codes and standards in the attached document known as the International Fire Code, 2021 Edition, including Appendix Chapters A, B, C, D, E, F, G, H, I and J as published by the International Code Council, except for the portions deleted, modified or amended by Exhibit A.

### **Section 2.6 - Fire Code Official**

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

### **Section 2.7 - Gated Community**

“Gated Community” means a residential subdivision or housing development with a vehicular or pedestrian gate that contains two or more dwellings not under common ownership. The term does not include a multi-unit housing project.

### **Section 2.8 - Multi-Family Residential Dwelling**

“Multi-Family Residential Dwelling” means a multi-family residential dwelling consisting of four or more units as specified in Texas Local Government Code 233.062(a).

### **Section 2.9 - Multi-Unit Housing Project**

“Multi-Unit Housing Project” means an apartment, condominium, or townhome project that contains two or more dwelling units.

### **Section 2.10 - 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 2.11 - 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, doctor offices, general offices, laundries and warehouses. Not included in this definition is an industrial facility having a fire brigade that conforms to requirements of the Occupational Safety and Health Administration.

## **Section 2.12 - Substantial Improvement**

“Substantial Improvement” means:

1. The repair, restoration, reconstruction, improvement, or remodeling of a public building, a commercial establishment, or a multi-family residential dwelling for which the cost exceeds 50% of the building’s value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or
2. 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, 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 damage other than minor damage. This definition is in accordance with Texas Local Government Code 233.0615(a),(b).

## **Section 2.13 - Unincorporated Area**

“Unincorporated Area” means the area in Kendall 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**

Under this Code, the Fire Code Official is responsible for all administrative decisions, determinations, and duties. 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**

The Fire Code Official may seek and secure the assistance of other officials of Kendall 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**

No person shall perform or authorize construction or substantial improvement within the unincorporated areas of Kendall County without first securing a permit under this Code. Further, a lockbox permit may be required pursuant to Section 4.6 of 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:

1. Two complete sets of construction and site plans, drawn to scale for the proposed building or system containing all specifications, including the following:
  - a. The types of construction materials and class of interior finish;
  - b. The location of all exits with distances between exits called out - exit width, type and any special requirement shall be stated; and
  - c. The location of any fire alarm equipment, automatic sprinklers, emergency lighting, and any other necessary safety measures required to meet this Code; and
2. A permit fee in accordance with Section 8.3 and Exhibit B.

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.

##### **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 multi-family residential dwelling meets the minimum requirements of this Code based on the information provided.

1. If it is determined that 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 and Exhibit B.
2. 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 as to why it was not approved.

##### **Section 4.4 - Issuance of Permits**

Within 30 days after the date the Fire Code Official receives an application and fee in accordance with this Code, the Fire Code Official shall:

1. Issue the permit if the application complies with this Code; or
2. Deny the application if the application does not comply with this Code.

If the Fire Code Official receives an application in accordance with Section 4.2 and fee in accordance with Section 8.3 and the Fire Code Official does not issue the permit or deny the

application within 30 day after receiving the application and fee, the construction or substantial improvement of the building that is the subject of the application shall be approved for purposes of this Code.

#### **Section 4.5 - Terms 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 from the Fire Code Official.

#### **Section 4.6 - Lockbox Permits**

The owner or owners association of a gated community or multi-unit housing project must comply with the provisions set forth in Local Government Code Chapter 352, Subchapter E. the owner or owners association of a gated community or multi-unit housing project must obtain a Lockbox Permit from the Fire Code Official.

### ***Part 5 - Permit Fee***

#### **Section 5.1 - Responsibility of Permit-tee**

All permit holders must:

1. Post the permit on the jobsite in a place visible from the nearest road or street;
2. 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 standard for permanent numbers set forth in the International Fire Code 2015 Edition, section 505.1; and
3. Allow the Fire Code Officials 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 multi-family residential dwelling 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 change complies with this Code and is approved, a copy of the supplemental drawing and/or specifications shall be added to the permit-tee's file and the fire Code Officials shall amend the permit.

#### **Section 5.2 - Inspections**

1. The permit-tee 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.
2. 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.

3. Once the Fire Code Official receives a request for final inspection and 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 multi-family residential dwelling 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.
4. 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 and Exhibit B.

### ***Part 6 - Appeals and Hearing Procedures***

#### **Section 6.1 - Board of Appeals**

The Board of Appeals is hereby established in order to hear and decide appeals of order, decisions or determinations made by the Fire Code Official relative to the application and interpretation of this Code. The Commissioners Court appoints the members of the Board of Appeals in accordance with this Code. The Fire Code official shall be an ex officio member of said board but shall have no vote on any matter before the board. Chapter One, Section 108, 111, and Appendix A of the International Fire Code, 2021 Edition, shall apply to this Code and are hereby adopted and incorporated.

#### **Section 6.2 - 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 ten days of the date the Board of Appeals' decision is filed. The Clerk will notify 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.

#### **Section 6.3 - Variances**

If any person wishes an exception to any provisions of this Code, that person shall request a variance in the manner prescribed for the filing of an appeal. The Board of Appeals shall hold a hearing, and deny or grant the variance. Variances will be granted only if the following are met:

1. The applicant has shown good and sufficient cause for a variance;
2. Failure to grant the variance would result in exceptional hardship to the applicant;
3. Granting the 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
4. Variances shall only be issued upon a determination that a variance is the minimum necessary, considering the fire hazard, to afford relief.

Economic hardship shall not constitute the sole basis for granting a variance. A hearing before Commissioners Court regarding variances shall be requested in the manner provided in Section 6.2 of this Code. If a variance is granted a permit shall be issued and the permit-fee shall conform to all applicable provisions of this Code except the Sections for which a variance is granted.

### ***Part 7 - Enforcement***

#### **Section 7.1 - Enforcement**

1. If any person violates any provisions of this Code, the Fire Code Official may notify the Criminal District Attorney and request that the Criminal District Attorney take action 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 \$200.00 for each day a violation exists.
2. If a violation continues, Kendall County may file a Certificate of Non-Compliance in the Real Property Records of Kendall County, Texas. Once the violations have been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Kendall County. A fee for this action will be charged in accordance with Section 8.3 and Exhibit B herein. The violator shall bear this and all other costs of effecting compliance.
3. Should the building be occupied without final occupancy inspection as required under this Code, the County Fire Marshal may file a complaint with the Criminal District Attorney under Texas Local Government Code 352.016 and 352.022. The Criminal District Attorney may take any and all action necessary to remedy the violation.

#### **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 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 the 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 the fund shall be used only for the administration and enforcement of the Kendall County Fire Code. The fee schedule is shown in Exhibit B.

## ***Part 9 - Severability and Construction***

### **Section 9.1 - 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 Kendall County 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 provisions 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.

### **Section 9.2 - Headings**

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

### **Section 9.3 - 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.

## EXHIBIT "A"

**In its adoption of Order 09-13-2021, Kendall County makes the following amendments and modifications to the 2021 International Fire Code and 2021 International Building Code:**

[An underlined word or sentence is an addition to the 2021 IFC or 2021 IBC. A ~~strike-through~~ is a word or sentence removed from the 2021 IFC or 2021 IBC.]

Throughout the 2021 International Fire Code and/or 2021 International Building Code where the word *fire chief* appears this shall include Fire Marshal, fire chief ...

### **Chapter 1 – Scope and Administration**

#### **Section 103**

##### **Code Compliance Agency**

**[A] 103.1 Creation of agency.** The Kendall County Fire Marshal's Office is hereby created and the official in charge thereof shall be known as the ~~fire code official~~ Kendall County Fire Marshal. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

#### **Section 104 – Duties and Powers of the Fire Code Official**

**[A] 104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premise unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry. No owner or occupant or any other person having charge, care or control of any building shall fail or neglect, after proper demand is made as herein provided, to properly permit entry by the Fire Marshal or his authorized representatives for the purpose of inspection or examination under such exigent circumstances affecting the safety of person and/or property, or to take such prudent action to abate a fire or life hazard.

**[A] 104.3.1.2 Photographic Documentation.** Members of the Fire Marshal's Office making such examinations or inspections shall have the right, with proper credentials, and be authorized to take audio recordings, the required number of photographs, or video recordings for evidence and for records use by the Fire Marshal's Office to document and study fire hazards and scientific control for fire and life safety.

**104.12.4 Removal of debris and rubble after fire:** (a). The owner or person having under his control or in his possession upon any premises in the county, any hay, straw, bales of wool, cotton, paper or other substances which have been rendered useless or unmerchantable by reason of any fire on such premises, or any debris resulting from such fire, must remove such substances and debris from such premises within one hundred and sixty eight hours (168) after notice to do so has been served by the Fire Marshal. (b). Whenever any building or other

structure in the county is partially burned, the owner thereof or the person in charge or control thereof, shall within twenty days (20) after notice from the Fire Marshal so to do, remove all refuse, debris, charred and partially burned lumber and materials from the ground; and if such building or other structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner of the property upon which structure is locate, or person in charge and control thereof, shall within twenty days (20) after notice from the Fire Marshal so to do, remove all remaining portions of the building or structure, from the ground. (c). The Fire Marshal may extend the 20 (20) day period of removal of such burned or partially burned buildings, when the insurance adjustment, if any is still pending.

## **Section 112 – Violations**

### **[A] 112.3 Notice of violation, fire marshal order, citation.**

Where the fire code official finds a building, premises, vehicle, storage facility of outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violations, fire marshal order or citation (as applicable under state law) describing the conditions deemed unsafe and, where compliance is not immediately specifying a time for reinspection or appearance in court.

## **Chapter 2 – Definitions**

**AUTHORIZED EMERGENCY VEHICLE** shall have the meaning as defined in the Texas occupations Code 2308.251.

**CARNIVAL** means an organized program of entertaining or exhibition, which may include merrymaking, feasting, and/or masquerading, either inside or outside a structure.

**FAIR** means a gathering of buyers and sellers at a particular place and time for trade, competitive exhibition accompanied with food and entertainment.

**FIRE LANE** shall mean any area appurtenant to entrances or exits of a building deemed necessary by the Fire Marshal or his designee to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits, or any fire hydrant. Fire lanes identified or designated by the Fire Marshal, or his designee shall be conspicuously marked and identifies as set out in Appendix D of the 2021 International Fire Codes and in the Texas Occupations Code 2308.25(a).

**COMMERCIAL ESTABLISHMENT** means a place where goods and commodities or services are provided displayed, exchanged, sold or bought.

**MULTI-FAMILY DWELLING** means any residential structure consisting of four (4) or more residential dwelling units. (Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.) Typically, but not always, classified within the Group “R” occupancy classification.

**OCCUPANT** means any person, agent, firm or corporation that occupies a building or part thereof as an owner or tenant.

**PUBLIC BUILDING; PUBLIC ACCESS BUILDING; PUBLICLY ACCESSIBLE BUILDING** means 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 comply with the requirements of an “occupiable space” as defined in the 2021 International Building Code.

### **Chapter 3 – General Requirements**

#### **Section 311 – Vacant Premises**

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch or a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with ~~the International Property Maintenance Code and the International code~~ Texas health and Safety Code, Title 5, Chapter 343 and/or Texas Local Government Code, Title 11, Chapter 352.

### **Chapter 4 – Emergency Planning and Preparedness**

#### **Section 405 – Emergency Evacuation Drills**

**405.1.1 Fire Marshal’s Power to Order Fire Drill.** The fire Marshal or his designee may require a fire drill at any reasonable time, depending on the time of day the building is normally occupied.

### **Chapter 5 – Fire Service Features**

#### **Section 503 – Fire Apparatus Access Roads**

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the fire code official. See Appendix D (below) for minimum design requirements.

**503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (42 720 MM) in length shall be provided with an approved area for turning around fire apparatus. See Appendix D for Minimum design requirements.

**503.2.7.1 Grade Increases.** The gradient for fire apparatus access roads may be increased when the following conditions are met:

1) All grades in excess of 10% but not in excess of 12% may be approved when all of the following conditions exist:

a) The length of the grade does not exceed 300 feet from the beginning point of the grade to the termination point of the grade.

b) The termination point of the grade is not within 150 feet of a down-hill intersection, cul-de-sac, or hammerhead.

c) The last 75 feet of a down-hill slope approaching an intersection is not greater than 5%.



d) A grade indicating sign showing the international symbol for a grade, as well as the numerical percentage of the grade, is installed within 75 feet of the start of both the uphill and down-hill portions of the grade.

2) All grades in excess of 12% may be approved when **all** of the following conditions exist:

a) The length of the grade does not exceed 300 feet from the beginning point of the grade to the termination point of the grade.

b) The termination point of the grade is not within 150 feet of a down-hill intersection, cul-de-sac, or hammerhead.

c) The last 75 feet of a down-hill slope approaching an intersection is not greater than 5%.

d) All structures on a fire department access road with a grade greater than 12% are provided with a public water supply sufficient to meet the fire flow requirements of Table B105.1 and hydrant distribution to meet the requirement of Table C105.1.

e) **ALL** structures regulated by the International Building Code with access off a fire department access road with a grade greater than 12% **MUST** be approved with a fire sprinkler system in accordance with Section 903.3.

**503.4.1.2 Removal of Vehicle by Sheriff, Constable, or Fire Marshal.** Any vehicle parked in any designated fire lane may be removed at the vehicle owner's or operator's expense on authorization of the Sheriff, Sheriff's Deputy, Constable or Fire Marshal under the following conditions.

1. When the vehicle violates the fire lane regulations indicated in Section 503.4 by parking in a fire lane, or

2. When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, or a place of assembly, or

3. When a vehicle's presence threatens the life safety of the public by impeding the ability of an authorized emergency vehicle to respond to an emergency.

### **Section 505 Premises Identification**

**505.1.1 Multiple Buildings.** Where there are multiple buildings at a single property address, each building shall have building number(s) 6 (152.3 mm) inches high posted on the building in a location that is plainly legible and visible from the driving surface closest to the building.

### **Section 507 – Fire Protection Water Supplies**

**Section 507.3 Fire flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be as indicated in the 2021 International Fire Code, Appendix B, or NFPA 1142 whichever is less, or as determined by an approved method.

## **Chapter 6 – Building Services and Systems**

### **Section 603 – Electrical Equipment, Wiring and Hazards**

**Section 603.9.1.1 Safety Tip-Over Switches.** No portable, electric space heater may be operated in any occupancy or location unless the space heater is equipped with a safety tip-over switch that completely disrupts electrical power to the space heater before the heater has tipped in any direction beyond the angle of critical balance. Critical balance is the minimum angle through which a heater must be tipped to cause it to tip overdue solely to the force of gravity.

## **Section 606 – Commercial Cooking Equipment and Systems**

**606.2.1 Commercial Vent/Hood Extinguishing Systems.** A commercial fire extinguishing system shall be installed in all Type I hood at or above all commercial cooking and/or domestic cooking appliances utilized in commercial cooking operations that produce grease laden vapors.

**Exception:** A residential Vent/Hood extinguishing system and residential vent/hood are permitted to be utilized (in lieu of a commercial fire extinguishing system) when only domestic cooking appliance are utilized in the following:

1. Employee Break Rooms
2. Licensed Care Facilities operating in Group R-3 occupancy
3. Group E occupancy – classrooms utilized for training in food preparation.

## **Chapter 9 – Fire Protection and life Safety Systems**

### **Section 912 – Fire Department Connections**

**912.1.1 Free Standing FDC.** Installation of free-standing Fire Department connection (FDC) shall not be less than two (2) feet above grade, or more than (3) feet above grade.

**912.1.2 Free Standing FDC.** Free standing Fire Department Connection (FDC) are the preferred method vs. Building mounted FDC.

**912.5.1.1 FDC markings.** Free standing and building mounted FDC shall be marked with a visible sign that meets the requirement of 912.2.2 or an approved sign mounted on the building or hanging on the FDC free standing of not less than 4-inch white letters FDC on a red background.

## **Chapter 11 – Construction Requirements for Existing Buildings**

**1101.1 Scope.** The provisions of this chapter shall apply to existing buildings constructed prior to the adoption of the 2015 International Fire Code.

## **Appendix D**

### **Fire Apparatus Access Roads**

#### **D103.2 Grade**

**Exceptions:** Grade's steeper than 10 percent as approved by the ~~fire chief~~ Fire Marshal or his designee.

1) All grades in excess of 10% but not in excess of 12% may be approved when all of the following conditions exist:

a) The length of the grade does not exceed 300 feet from the beginning point of the grade to the termination point of the grade.

b) The termination point of the grade is not within 150 feet of a down-hill intersection, cul-de-sac, or hammerhead.

c) The last 75 feet of a down-hill slope approaching an intersection is not greater than 5%.

d) A grade indicating sign showing the international symbol for a grade, as well as the numerical percentage of the grade, is installed within 75 feet of the start of both the uphill and down-hill portions of the grade.

2) All grades in excess of 12% may be approved when **all** of the following conditions exist:

a) The length of the grade does not exceed 300 feet from the beginning point of the grade to the termination point of the grade.

b) The termination point of the grade is not within 150 feet of a down-hill intersection, cul-de-sac, or hammerhead.

c) The last 75 feet of a down-hill slope approaching an intersection is not greater than 5%.

d) All structures on a fire department access road with a grade greater than 12% are provided with a public water supply sufficient to meet the fire flow requirements of Table B105.1 and hydrant distribution to meet the requirement of Table C105.1.

e) **ALL** structures regulated by the International Building Code with access off a fire department access road with a grade greater than 12% **MUST** be approved with a fire sprinkler system in accordance with Section 903.3.

1. Subsection 101.1 is revised as follows:
  - a. 101.1 Title. These regulations shall be known as the *Fire Code of Kendall County*, hereinafter referred to as “this code”
2. Subsection 109.4 is revised as follows;
  - a. 109.4 Violation penalties. Persons who violate a provision of this code or fail to comply with the requirements of it or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official or of a building permit or certificate used under the provisions of this code shall be subject to injunctive relief and civil penalties not to exceed \$200.00 for each day on which the violation exists.
3. Subsection 111.4 is revised as follows:
  - a. 111.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to injunctive relief and civil penalties not to exceed \$200.00 for each day on which the violation exists.

**EXHIBIT “B”**

***Permit Fee Schedule***

This fee is for processing building plans submitted for approval, and will be paid at the time of submission of the plans.

The base fee for all submitted plans and specifications is \$50.00.

Projects with a valuation over \$1,000.00 will use the following table:

Project Valuation	
\$1,000.00 and less	\$50.00
\$1,001.00 up to \$50,000.00	\$50.00 for the first \$1,001.00 plus \$7.00 for each additional thousand or fraction thereof.
\$50,001.00 up to \$100,000.00	\$393.00 for the first \$50,001.00 plus \$6.00 for each additional thousand or fraction thereof.
\$100,001.00 up to \$350,000.00	\$687.00 for the first \$100,001.00 plus \$5.00 for each additional thousand or fraction thereof.
\$350,001.00 up to \$700,000.00	\$1,888.00 for the first \$350,001.00 plus \$4.00 for each additional thousand or fraction thereof.
\$700,001.00 up to \$1,000,000.00	\$3,284.00 for the first \$700,001.00 plus \$3.00 for each additional thousand or fraction thereof.
\$1,000,001.00 and up	\$4,181.00 for the first \$1,000,001.00 plus \$2.00 for each additional thousand or fraction thereof.

**Change of Use or Substantial Improvement (with structural modifications) Same as above.**

This fee covers the review of structural modification and/or interior finish-out plans and issuing the permit to modify an existing structure from one occupancy classification to another in order to ensure the building and new occupancy usage complies with adopted Fire Codes. Includes the associated inspections and issuing a Certificate of Occupancy.

**Failure to Obtain Required Permit                      Double original permit fee**

This fee will be assessed by the Fire Marshal, when a Notice of Violation has been issued, for performing construction or system installation work without first obtaining appropriate permits as required by Section 108.4 of the adopted Fire Codes and Commissioner’s Court Order.

**Change of Occupancy Use Inspection                      \$150.00**

This fee covers the required inspection necessary to ensure compliance with the adopted Fire Code, and issuance of a new Certificate of Occupancy for an occupancy area that has changed from one occupancy/business use to a new occupancy/use.

*The following fees apply when they are not part of the original project valuation*

**Preliminary Plan Review** **\$125.00**

Charge for a preliminary review of the plans, which have not been submitted for approval for which no permit has been issued.

**Taxing Entities Building Permit Fee**

The fee for processing building plans submitted for approval by a Taxing entity authorized to impose taxes within and upon residents of Kendall County, Texas, are 50% of the fee schedule. Taxing Entities for purposed of the Kendall County Fire Code are defined to include school districts, emergency service districts, municipalities, or other entities authorized by the state or federal statute to levy tax within and upon residents of Kendall County, Texas, for the purpose of yielding revenue to serve legitimate public purpose for the benefit of Kendall County tax payers.

**Systems Permits and Fees**

**Alternative Fire Protection System** **\$300.00**

This fee covers reviewing plans, conducting rough-in inspections and witnessing the acceptance testing of alternative fire protection and fire suppression systems.

*The following are fees that require fire inspections as per the Fire Codes.*

**Fire Alarm System** **\$250.00+**

This fee covers reviewing plans, conducting rough-in-inspection and witnessing fire alarm acceptance testing. The fee is \$250.00 plus \$.50 per initiating and/or alarm signaling device over 10.

**Fire Sprinkler System** **\$250.00+**

This fee covers reviewing plans, conducting rough-in-inspection and witnessing the 2 hour hydrostatic testing of the fire sprinkler system. The fee is \$250.00 plus \$.50 per sprinkler head over 35.

**Paint/Spray Booth System** **\$250.00**

This fee covers reviewing plans, witnessing the testing and inspection of commercial paint/spray booth fire suppression systems.

**Smoke Control System** **\$250.00**

This fee covers reviewing plans and witnessing the testing of building smoke control system (including fire dampers, smoke dampers, fire/smoke dampers and duct smoke detectors) required by the Fire Code.

**Standpipe/Water Supply Permit:** **\$100.00**

Per system when not installed in conjunction with new building construction.

**Vent/Hood Suppression System** **\$150.00**

This fee covers reviewing plans, witnessing the testing and inspection of fire extinguishing system in kitchen vent hoods and exhaust ducts.

## **Flammable/Combustible Liquids and Gas Permits and Fees**

### **Aboveground Fuel Tank Installation/Removal (per tank – including LPG)     \$300.00**

This fee is for reviewing plans, witnessing the placement and inspection of aboveground fuel tank installation or removal.

### **Fuel Dispensing Facility Inspection and Registration                             \$150.00**

This fee is applicable for the registration of all facilities in unincorporated Kendall County where flammable or combustible liquid or gas are dispensed.

### **Fuel Dispensing Facility Inspection and Registration Renewal                     \$100.00**

This fee is applicable for the registration of all facilities in unincorporated Kendall County where flammable or combustible liquid or gas are dispensed. This renewal fee is applicable if renewed prior to the expiration of the current permit.

### **Underground Fire Protection System                             \$250.00**

This fee covers reviewing plans, conducting rough-in-inspection and witnessing the 2 hour hydrostatic testing on underground fire protection lines for fire sprinkler, fire protection standpipes and fire hydrants installed on both public and private water systems.

### **Underground Fuel Tank Installation/Removal (per tank – including LPG)     \$300.00**

This fee is for reviewing plans, witnessing tank testing and inspecting pre and post underground fuel tank installation or removal.

### **Underground Fuel Line Pressure Testing                             \$150.00**

This fee will be assessed for witnessing the pressure test of modified or newly installed fueling system supply lines.

## **Fireworks and Explosive Permits and Fees**

### **Seasonal Fireworks Stand Inspections     \$30.00**

This fee is for the inspection of fireworks stands to ensure compliance with the adopted Fire Code and minimum safety standards adopted by the State.

### **July and December Fireworks Stand Permits and Inspections                     \$50.00**

This fee is the same as Seasonal Fireworks but if the stand operator wishes they can purchase one permit. This permit fee is good only for the July and December Fireworks selling period. This application must be processed prior to the July sells date and is good for that year only.

### **Pyrotechnics Authorization                             \$50.00 per Event**

The fee is for the review of a proposed pyrotechnics display, inspection for the proposed display site, and to verify the pyro-technician's license. The fee is applicable for any public or private fireworks display utilizing any class of regulated fireworks. The fee does not include the fee for a Fire Watch that may be required by the Fire Marshal.

**Pyrotechnics Authorization Annually \$80.00**

This fee is for the review of a proposed pyrotechnics display, inspection for the proposed display site, and to verify the pyro-technician's licenses. The fee is applicable for any public or private fireworks display utilizing any class of regulated fireworks. The fee does not include the fee for a Fire Watch that may be required by the Fire Marshal.

**Blasters License**

Blaster – Basic (quarry blasting operations; blasting in large Isolated areas) **\$200.00 annually**

Blaster – Intermediate (Basic +Septic systems, swimming pool, and similar blasting) **\$250.00 annually**

Blaster – Advanced (intermediate + specialty close to habitable structures) **\$300.00 annually**

This fee is for the processing, testing and associated background investigation of an explosive technician. The fee includes the issuance of a blasters license.

**Explosives Storage Permit \$200.00 annually**

This fee is for the review of a proposed explosive storage building or container and site inspection to ensure compliance with the adopted Fire Code.

***Special Storage Permit – (for items listed in Fire Code as “Prohibited Explosives) \$300.00 annually***

**Explosives Storage Permit Renewal \$125.00**

This fee is for the review of previously permitted explosive storage building or container and site inspection to ensure compliance with the adopted Fire Code. This fee is applicable if renewed prior to expiration of current permit expiration.

**Quarry Operations Permit \$300.00 annually**

This fee is for the authorization of a quarry operations permit requiring the use of explosives, and blasting operations. All quarry operations are subject to review of blasting statistical reports if citizen complaints are registered.

**Explosive Excavation Permit \$200.00 (valid for 90 days)**

This fee is to evaluate the plans, licenses of contractors, site inspections and to authorize the use of explosives for construction related projects. These include swimming pool excavations, utilities installation, site leveling, and all short term projects requiring explosive use.

**Food Vendor**

**Mobile Vendor Registration \$125.00 annually**

This fee is applicable to all mobile food service vendor vehicles operating in unincorporated Kendall County for the registration, and inspection of the fire safety features of the vehicle.





**Modification Permit** **\$75.00**

Review of plans after a modification has been made after the plans have been approved and a permit issued.

Includes: Existing sprinkler system (up to thirty sprinkler heads)  
Existing alarm systems (up to ten initiating/signaling devices)

**Modular/Mobile Structure Installation Permit** **\$300.00**

This fee is for the installation of a mobile or modular structure that will be used for commercial or public access purposes. It will include the plan review of the structure and inspection after installation to ensure the structure meets the intent of the adopted Fire Code. This is for mobile/modular structures that will be used for greater than 365 days.

**Re-inspection Fee** **\$40.00 per hr. (\$40.00 minimum)**

This fee will be assessed for each re-inspection required to bring a previously identified fire hazard related problem into compliance with the law. All re-inspection fees shall be paid before or at the time re-inspection will be performed. This fee will also be assessed if a scheduled fire inspection is not canceled within four (4) hours of the scheduled date and time.

**Re-inspection/Retest:** **\$30.00** for each re-inspection.

This fee shall be paid before any subsequent inspections are made.

**Temporary Structure Permits** **Less than 144 sq. ft. \$50.00**  
**More than 144 sq. ft. \$50.00 + \$.175 sq. ft.**

This fee is for registration and inspection of temporary structures (tents, air supported structures, canopies, construction trailers, etc.) The fee includes inspection for the structure to ensure compliance with the adopted Fire Code requirements. Valid for up to 365 days.

**Tent permits:** **\$50.00**

Any tent over 500 Square Feet.