

**ORDER NO. 12-20-17-01 ADOPTING 2015 IFC
HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 8**

AN ORDER AMENDING ORDER NO. 01-20-16-01, ADOPTING PORTIONS OF THE INTERNATIONAL FIRE CODE AND PORTIONS OF THE INTERNATIONAL BUILDING CODE AND NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS; PROVIDING FOR FEES TO BE PAYABLE FOR PERMITS, APPROVALS AND INSPECTIONS; REQUIRING A PERMIT OR APPROVAL FOR CERTAIN HAZARDOUS USES AND ACTIVITIES; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE FIRE CODE AND AUTHORIZING THE FIRE CHIEF AND HIS DESIGNEES TO ADMINISTER AND ENFORCE THE CODE; AUTHORIZING ENTRY ONTO PROPERTY TO CONDUCT INSPECTIONS; AUTHORIZING STOP WORK ORDERS FOR WORK PERFORMED IN VIOLATION OF THE FIRE CODE; PROVIDING FOR APPOINTMENT OF AN APPELLATE BODY AND FOR APPEALS FROM DECISIONS OF THE FIRE CHIEF; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Board of Emergency Services Commissioners of Hays County Emergency Services District No. 8 ("District") are authorized, pursuant to Tex. Health & Safety Code § 775.036 to adopt and enforce a fire code; and,

WHEREAS, the District adopted the International Fire Code and certain appendices thereto as well as amendments to said Fire Code on January 20, 2016 at a regular meeting called and conducted in full compliance with applicable law; and,

WHEREAS, the District desires to amend certain portions of Order No. 01-20-66-01 and restate said Fire Code to better provide for its enforcement in furtherance of protecting the health and safety of those residing within the territory of the District and in furtherance of preventing fires and medical emergencies;

It is, therefore, ORDAINED, RESOLVED AND ORDERED that:

Section 1. Amendment and Restatement of Fire Code

This Order amends, supplements, and restates the Fire Code of Hays County Emergency Services District No. 8 as adopted on January 20, 2016, as if said order is fully set forth herein. In the event of any conflict between this Order and Order No. 01-20-16-01, the more stringent provision shall prevail.

Section 2. Adoption of Code

(a) Except as otherwise provided in other provisions of this Order, the following are hereby adopted and incorporated herein and made a part hereof as though fully set forth herein as provisions of the fire code applicable and enforceable throughout the territory

of the District, except within the corporate limits of any municipality located in the territory of the District that has previously adopted a fire code, if any:

(1) The 2015 International Fire Code (“IFC”) and appendices B, C, D, E, F, and G, H, I, J, K, L, and M promulgated by the International Code Council, Inc.

(2) For the purpose of determining the types of construction referred in Appendix B of the IFC, the definitions and descriptions of types of construction provided in Chapter 6 of the 2015 International Building Code (“IBC”) are adopted.

(b) The remaining provisions of this Order, together with all provisions incorporated in this Order by reference shall constitute the Fire Code of the District (“Fire Code” or “Code”).

(c) In the event of a conflict between the IFC or any other code or provision incorporated in this Order and the express provisions of this Order, the express provisions of this Order shall apply.

Section 3. Administration

(a) The Fire Chief of the Buda Fire Department, together with such assistants and agents of the District, Department, or third parties as the Fire Chief may designate, are authorized to enforce this Order, to take all actions required or authorized in provisions incorporated in this Order by reference, and to conduct all inspections, review all plans, accept all applications for a permit or approval authorized or required by the terms of this Order, and take any action necessary to fully implement and enforce this Order and the Code adopted hereunder.

(b) The Fire Code Official shall submit monthly activity reports to the District, covering inspection, review, and enforcement activities conducted during the prior month. The Fire Code Official shall keep an accurate account of all fees, fines, and other funds collected and received pursuant to this Order, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

(c) Approved plans, specifications, and other reports required by this Order shall be maintained in the central offices of the District for a period of not less than five years following the date such document was submitted to the District or prepared by the District, or as otherwise required by statute, law, rule, or regulation of the State of Texas.

(d) The District may provide for inspection and other acts necessary to carry out the intent of this Order or the Fire Code, including, but not limited to, hiring employees, retaining contractors, or entering into any necessary agreements with any individual or entity to implement and enforce the Fire Code adopted hereunder throughout the District.

Section 4. Right of Entry

(a) Whenever necessary to make an inspection to enforce any of the provisions of this Order for the prevention of fires and medical emergencies, or whenever the Fire Code Official has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of this Order, the Fire Code Official, or his designated agents may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed on the Fire Chief by this Order; provided that if such building or premises is occupied, they shall first present proper credentials and demand entry; and, except during construction of the improvement to be inspected, if such building or premises are unoccupied, the agent of the District shall make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief shall have recourse to every remedy provided by law to secure entry.

(b) No owner or occupant or any other person having authority to control access to any building or premises shall fail or neglect, after demand for entry is made as provided in this section 3, to promptly permit entry therein by the Fire Code Official or the authorized agent of the Fire Chief for the purpose of inspection and examination pursuant to this Order. Any person violating this section shall be guilty of a Class C Misdemeanor, as defined in Texas Penal Code § 12.23, as amended.

Section 5. Stop Work Orders

Whenever any work or construction is being done contrary to the provisions of this Order or without any permit or approval required by this Order, the Fire Code Official or designee may order the work or construction stopped by notice in writing served on any person(s) engaged in performing or causing such work to be performed. Whenever work or construction is stopped in accordance with this Section 4, a written notice to stop work issued by the District shall be posted on the property in a manner reasonably visible to any person to perform any work on the property. All persons shall then cease all work or construction on the property until authorized to proceed by the Fire Code Official. Any person failing to comply with a notice to stop work, or removing any notice to stop work from any premises without permission of the Fire Code Official shall be guilty of a Class C Misdemeanor, as defined in Texas Penal Code § 12.23.

Section 6. Identification of District, Commissioners, and Appellate Body

(a) Whenever the terms “jurisdiction”, “authority having jurisdiction”, “department”, or “bureau of fire prevention” are used in the IFC, same will be a reference to the District. All regulatory authority established by the provisions of the IFC incorporated in this Order is established for the District.

(b) Any reference in the provisions of the IFC incorporated in this Order to the “executive body” shall be a reference to the Board of Emergency Services Commissioners of the District.

(c) Any reference in the provision of the IFC incorporated in this Order to the “board of appeals” or other appellate body established by the IFC shall be reference to the appellate body or panel, as applicable, referred to in section 8 of this Order.

Section 7. Amendments to IFC

(a) The District shall not have a building official or separate code regulating the construction of buildings, including but not limited to separate building code, mechanical code, plumbing code, or electrical code, except as expressly incorporated by the terms of this Order. Only parts of other uniform codes that relate to fire safety are incorporated in this Order. Any provision in the IFC or other provision incorporated in this Order by reference that refers to any act to be referred to or conducted by a building official shall be disregarded as though such reference were deleted and all other parts of the affected sentence, section, article, or chapter remained in force and effective. Any reference in the IFC (or other provision incorporated in this Order) to compliance in a manner provided in a building code, electrical code, plumbing code, or mechanical code shall be disregarded except to the extent that the provision of such other code is incorporated in this Order by reference. Such disregard of the manner of compliance shall not otherwise affect the requirement to comply [provided however that if a provision refers to compliance with the term any such other code that is not incorporated in this Order by reference, as opposed to compliance in a manner provided in such other code, the requirement of compliance shall be disregarded altogether]. In the event that the disregard of any such reference is unusual syntax or sentence structure of the remainder of such affected provision, a reasonable interpretation shall be given to the remainder, in light of the intent and purpose of this Order and the authority of the District.

(b) Section 108 is deleted in full, and Section 9, herein, is substituted in its place.

(c) The following sections of the IFC are hereby amended as follows:

Section 101.1 Title.

These regulations shall be known as the Fire Code of Hays County Emergency Services District No. 8, hereinafter referred to as the "code", "fire code", or "this code".

Section 102.6 is amended by adding the following subsections:

102.6.1 The exemptions provided by 102.6 shall apply only to the portion of the building designated as historical or comply with section 1103.1.1 whichever is more restrictive.

Section 102.7 is amended to read as follows:

102.7 Referenced code and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such references. Where the difference occur between the provisions of this code and the referenced standards, the more stringent provision shall apply. This determination shall be made by the fire code official.

Section 104.7 is amended by adding the following subsections:

104.7.3 The fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction and at the sole cost and expense of the owner or agent, a Third Party Review for permits, approvals, inspections, or plans submitted to the District for approval. Any Third Party Review required by the District will be conducted by an entity of the fire code official's choice.

Section 105.6.32 is amended by deleting the exception.

Section 105.6.37 is amended by deleting the exception.

Section 108. is deleted.

Section 109.4 is amended to read as follows:

Section 109.4 Violation penalties.. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements in this code, or who erect install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or in violation of a permit or certificate issued under provisions of this code, shall be liable for a fine up to \$2,000.

Section 111.4 is amended to read as follow:.

111.4 Failure to Comply. Any person who shall continue 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 liable for a fine not to exceed \$2,000. Each day that a violation continues after notice of violation has been served shall be deemed a separate offense.

The following definitions in Section 202 are amended to read as follows:

Fire code official. The fire Marshal or duly authorized representative.

Section 307.1.1 is amended to read as Follows:

307.1.1. Prohibited open burning. Open burning that is a nuisance, offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The following materials are prohibited from being burned. Electrical insulation, synthetic or natural rubber materials, plastics, asphaltic materials, treated wood, construction/demolition debris, potentially explosive materials, and chemical waste.

Section 307.2 is amended to read as follows:

307.2 Authorization required. Open burning shall be prohibited within the city limits of Buda unless authorized by the City of Buda Fire Marshal. Such fires that require authorization are: Camp fires, Ceremonial fires, Bonfires, and City designated burn sites.

Exception: Authorization not required for outdoor grilling/cooking, fires in chimineas, outdoor manufactured fireplaces/similar devices - (such devices shall have a non-tipping base and should be placed on a noncombustible surface), or a noncombustible container with a 5/8 inch woven metal mesh screen that covers all openings. The noncombustible container shall be at least 30 feet from any combustible structures and at least 10 feet from all vegetation.

Section 308.1.4 is amended to read as follows:

308.1.4 Outdoor cooking. It is unlawful to use or to store a charcoal burner, open flame, LP gas burner, outdoor grill, barbecue, or other cooking appliance with open flame on the premises of a residential building with three or more dwelling units or of a multifamily residential building with two or more stories. This provision does not apply to the use of permanently mounted outdoor cooking devices located ten or more feet from any structure.

Section 401.1 is amended by deleting the exception.

Section 403 is amended by adding the following:

403.12.2 (10.) The need for additional bathroom facilities and parking plans.

(11.) The need for other specific requirements as prescribed by the fire code official.

403.12.3.4 Enforceability. The public safety plan, as described in 403.12.2 and approved by the fire code official, shall be complied with and is enforceable under the provisions of this code. Any violation of the plan shall be punishable by a fine of at least \$500.00.

Section 503.2 is amended to read as follows:

503.2. Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D.

Section 503.2.2 is amended to read as follows:

503.2.2 Authority. The fire code official shall have the authority to require an increase or permit a decrease in the minimum access widths if the fire code official deems the change appropriate for the specific location.

Section 503.3 is amended to read as follows:

503.3 Marking. Approved markings, signs, or other notices to identify such roads or prohibit the obstruction thereof shall be provided for fire apparatus access roads. The fire code official shall provide the acceptable standards and specifications. Signs, markings, and other notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Section 503.4 is amended by adding the following exception:

Exception: Where specifically allowed by the fire code official

Section 503.6 is amended to read as follows:

503.6 Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official. All gates or obstructions, new and existing, must comply with written installation standards and maintenance requirements as set forth by the fire code official.

Section 503 is amended by adding the following:

503.7 Access. All gates that have access codes, locks, key controls, or other obstructions shall be maintained in an operable condition so that they can be opened by the fire department or other emergency service when needed. Where automatic gates are installed, they shall have an approved means of emergency operation, including a means of operation without power and a means of operation with a Knox Box, or similar device. Failure to maintain these gates in an operable condition may result in the imposition of a fine and/or revocation of the gate permit.

Section 505.1 is amended to read as follows:

505.1 Address numbers. New and existing buildings shall have their address numbers, building numbers, or building identification placed in a position to be plainly legible and visible from the street or road fronting the property. The numbers and letters shall contrast with their background and shall be a minimum of six inches in height for commercial and residential buildings when the setback from the street is 60 feet or less. If greater than 60 feet, the address numbers will increase in size by 1 inch for every 10 feet of setback. Maximum size will be 30 inches. The numbers and letters shall have a minimum stroke width of .5 inches. Where the building cannot be viewed from the public way, an approved alternate means may be used to identify the structure.

Section 506 is amended by adding the following subsection:

506.3. Location. Lock boxes approved by the fire code official shall be installed in all new buildings that have fire sprinkler systems, alarm systems, kitchen hood systems, or other fire protection systems that are connected to an alarm service.

Section 507.2.1 is amended to read as follows:

507.2.1 Private fire service mains. Private service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.3 is amended by adding the following subsection:

507.3.1

Section 507.5.1 is amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building on-sight fire hydrants and mains shall be provided where required by the fire code official.

Section 507.5. is amended by adding the following subsection

507.5.1.2 Installation. Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

- a) Fire hydrants shall have one 4.5 inch steamer and 2.5 inch side connections with National Standard Threads.
- b) The centerline of the steamer connection shall be a minimum of 18 inches and a maximum of 28 inches above ground surface.
- c) The hydrant must be totally unobstructed to the street.

Section 507.5.2 is amended by adding the following subsection:

507.5.2.1 Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5.3 is amended by adding the following subsection:

507.5.3.1 Water Main Standards required.

- (a) Water mains shall be at least eight inches and large enough to supply the required fire flows. All developers shall provide an engineer certified computer model or hand calculation to the fire marshal's office. The model or calculation shall indicate the minimum fire flows that will be met. Existing mains shall come into compliance with this requirement when they undergo major repairs or when the fire flow demands of new construction or new occupancy classification in existing construction exceed the existing fire flows.
- (b) New eight-inch dead-end main more than 1320 feet must be looped.
- (c) New eight-inch looped main shall not exceed 2500 feet, unless approved by fire and or water purveyor.
- (d) Any six inch lead lines for hydrants shall not exceed 100 foot and, in no case, reduce the amount of required fire flow. Six-inch lines are not permitted for use as a utility line or fire line for fire hydrants for commercial structures.
- (e) Private fire service mains and water tanks shall be periodically inspected, periodically tested, and maintained in accordance with NFPA 25. Reports for the inspection or test shall be on a form as specified by the fire code official.

Section 507.5.4 is amended to read as follows:

507.5.4 Obstructions. Post, fences, vehicles, growth, trash, storage, and other materials or objects shall neither be placed within five feet nor kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. No person shall place or maintain an obstruction near fire protection equipment or a fire hydrant so that the fire department is deterred or hindered from gaining immediate access to fire protection equipment or fire hydrant.

Section 507.5.5 is amended to read as follows:

507.5.5. Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

Section 507.5.6 is amended to read as follows:

507.5.6 Physical protection. Where fire hydrants or fire protection control valves are subject to impact by a motor vehicle, guard posts or other *approved* means shall comply with Section 312.

Section 507 is amended by adding the following:

507.5.7 Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Section 605.9 is amended to read as follows:

605.9 Temporary wiring. Temporary wiring for electrical lighting installations is not allowed to exceed a period of 90 days. This includes decorative holiday lighting, carnivals and similar purposes. Temporary wiring methods shall meet the applicable provisions of the ICC International Electrical Code or National Electrical Code as adopted. Temporary wiring for construction purposes shall be removed at the end of construction.

Section 605 is amended by adding the following:

605.13 Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the environment involved.

Section 903.1 is amended by adding the following subsection:

903.1.2 More restrictive section applies. Where fire sprinklers are required in other sections of this code, the most restrictive requirement will apply to methods of construction, installation, or other system requirements.

Section 903.2.10 is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:

1. Where a Group S-2 fire area exceeds 18,000 square feet;
Exception: Open parking garages
2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet; or
3. Where enclosed parking garages are located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Section 903.2 is amended by adding the following:

903.2.13 Other occupancy classifications. An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having fire area exceeding 18,000 square feet.

903.2.14 Additions and Expansions. Any building constructed after January 1, 2007 that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

Section 903.3.1.3 is amended by adding the following:

903.3.1.2.3 Exterior closets. Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Section 903.4 is amended by adding the following:

903.4.4 Alarm notification. All water flow monitor notifications shall be latching and remain continuous until water flow suspended.

903.4.5 Addressable Systems. All initiation devices must be descriptive to location and use. Central reporting must be consistent to identification of location and use of area alarm system notification.

Section 3104.15.4 is amended to read as follows:

3104.15.4 Operations. Operations such as the warming of foods, cooking demonstrations, and similar operations that use solid flammables, butane, or other similar devices which do not pose an ignition hazard may be approved by the fire code official.

Section 3301 is amended by adding the following:

3301.3 Permits. Permits shall be required as set forth in Section 105.7.

Section 3304.3 is amended to read as follows:

3304.3. Open burning prohibited. No person shall burn construction or demolition debris in the city limits of Buda.

Section 3304.7 is amended to read as follows:

3304.7. Electrical. Temporary wiring for electrical power and lighting installations used in connection with the construction, alteration or demolition of buildings, structures, equipment or similar activities shall comply with the Section 605.9..

Section 3310.1 is amended to read as follows:

3310.1 Required access. Approved fire apparatus access for fire fighting shall be provided to all construction or demolition sites. Fire apparatus access shall be provided to within 50 feet of temporary or permanent fire department connections. Vehicle access shall be provided to within 150 feet of all portions or the exterior wall of the first story of each building prior to the erection of combustible material within the building. Fire apparatus access shall be provided by either temporary or permanent roads capable of supporting fire apparatus under all weather conditions. access shall be maintained until permanent fire apparatus access roads are available.

Section 3312.1 is amended to read as follows:

3312.1 When required. Water supply complying with Section 507 shall be provided within 500 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material for that building.

Section 5601.1.3, exception 4, is deleted.

Section 5601.2.4 is amended to read as follows:

5601.2.4 Financial responsibility. Before a permit is issued, as required by 5601.2, the applicant shall file with the jurisdiction a corporate surety bond or public liability insurance policy in such form, amount and coverage as determined by the jurisdiction to be adequate in each case, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Section 5608 is amended by adding the following:

5608.11 Retail display and sale. Fireworks shall not be displayed for retail sale nor made available to the public.

Section C105 is amended by adding the following subsection:

C105.2 Installation. Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

- a) Fire hydrants shall have one 4.5 inch steamer and 2.5 inch side connections with National Standard Threads.
- b) The centerline of the steamer connection shall be a minimum of 18 inches and a maximum of 28 inches above ground surface.
- c) The hydrant must be totally unobstructed to the street.

Section D103.6 is amended to read as follows:

Section D103.6 Signs. Where required by the fire code official, fire apparatus roads shall be marked as follows:

Where curb and guttering exists, all of the fire apparatus access roads shall be painted red and be conspicuously and legibly marked with the warning "FIRE LANE - TOW AWAY ZONE" in white letters at least three inches tall, at intervals not exceeding 35 feet. Where no curb or guttering exists, fire apparatus access roads shall be marked with permanent "FIRE LANE - TOW AWAY ZONE" signs at intervals no exceeding 50 feet. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one side or both sides of the fire apparatus road as required by section D103.6.1 or D103.6.2.

Section 8. Permits/Approvals/Inspections

All applications for any permit and all requests for any approval required by the terms of this Order shall be submitted in writing to the central administrative offices of the District

on a form prescribed or authorized by the Fire Chief along with payment of the applicable fee. The fees applicable for permits, approvals, and inspections shall be established from time to time by the Commissioners of the District in an Order therefore. A permit authorizing construction of an improvement shall expire on the date two years after issuance of the permit unless construction of such permitted improvement has commenced prior to such date and such construction continues without interruption until completed. A permit for handling, storing, processing, or using any hazardous material or hazardous process may be valid for a period not to exceed three years. Subject to the right of appeal provided in this Order, the Fire Chief or his/her designated agent of the District shall determine and decide the issuance of all permits and approvals, the duration of any such permit, subject to the maximum duration authorized by this section, and compliance with all provisions of this Order. A permit or approval shall be issued in cases where compliance with all applicable provisions of this Order have been demonstrated.

Section 9. Appeals

(a) The Commissioners of the District shall appoint three residents or owners of businesses in the territory of the District to serve as members of an appellate body to hear and decide the complaint of any person aggrieved by a decision of the Fire Chief or his designee, regarding any request for a permit or approval, any decision to stop work, or stop use, and any decision to abate, repair, rehabilitate, demolish, or remove an unsafe structure or premises. All members of this appellate body must be present for a quorum. Any Commissioner of the District may serve as a member of such appellate body. Members of the appellate body shall serve for a period of two years or until their successor is appointed.

(b) The appellate body shall hear the timely appeal of any decision of the Fire Chief or other authorized official described in subsection (a). A request to appeal such a decision shall be submitted in writing addressed to the President of the Board of Emergency Services Commissioners of the District and forwarded to the District's central administrative offices not more than 30 days after the date of the decision or action that is the subject of the appeal. A request to appeal shall include the mailing address and work or resident telephone number of the appellant for the purpose of receiving notice of a hearing on the appeal. A notice of appeal shall not stay the decision or action from which the appeal is taken.

(c) The Commissioners shall appoint the appellate panel to hear an appeal at its next regularly scheduled meeting held not less than five days and not more than 35 days after receipt of the request to appeal. The hearing of such appeal shall be scheduled not later than 21 days following the meeting of the Commissioners at which the appellate panel is appointed to hear the appeal. If no meeting of the Commissioners occurs during the period of time after a request for appeal is submitted as required by this subsection (c), the President of the Commissioners shall appoint an appeal panel to hear the appeal and shall schedule such appeal hearing. An appointment of an appellate panel may include

alternate appointments in the event that one or more appointees are unable to serve at the place and time scheduled for the appeal hearing.

(d) Except as provided in subsection (g), the Commissioners, or the President of the Board of Emergency Services Commissioners, as applicable, shall serve written notice of the date, time, and place of the appeal hearing not less than ten (10) days prior to the date of the hearing.

(e) An appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Chief or his/her designee shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses. The appellate panel shall make all determinations regarding the admissibility of evidence and credibility of witnesses, and may make reasonable rulings regarding the conduct of the hearing and the manner that evidence is presented. The appellate panel may be assisted by legal counsel for the District in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.

(f) The appeal panel may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the appeal panel shall be the decision of the appeal panel. The panel may reverse a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust; or (II) special circumstances make strict application of the rule that is the basis of the original decision impractical and the reversal of the decision is in conformity with the intent and purpose of this Order; and such reversal would not result in a greater threat of danger to the life or safety.

(g) If the Fire Chief determines in a written order served on the owner of property that a structure constitutes an imminent threat to the life or safety of any persons, the Fire Chief or his/her designee may require the demolition or removal of such structure not later than ten days following the date notice of such order is served on the owner of the affected property. Such owner may request an emergency appeal of such decision in writing delivered to the central administrative offices of the District at any time prior to the expiration of such ten-day period. In such event, the president of the Commissioners is authorized to appoint an appellate panel and schedule a hearing of such appeal as soon as practicable and serve notice of the time, date and place of such appeal on such owner not less than two days prior to the date of the hearing of such appeal.

Section 10. Penalties

(a) A violation of any provision of this Order shall be a Class C Misdemeanor, as defined in Texas Penal Code § 12.23. A separate violation shall occur each day that a violation of this Order continues.

(b) In addition to the criminal enforcement provisions of this section, the District shall be entitled to bring a civil action for the enforcement of this Order in any court of competent jurisdiction to enjoin any violation of this Order or to impose a civil penalty in an amount of up to \$2,000.00 for each day that a violation of this Order continues.

Section 11. Fees

Any fees for the permitting, review, and inspection of occupancies or applications shall be established by resolution from time to time by the District, without the necessity of amending this Order. For purposes of this Order, the initial fees related to the implementation and enforcement of the Fire Code shall be as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 12. Maintenance of Order

A copy of this Order together with all provisions incorporated herein shall be maintained at the central administrative offices of the District for inspection and use by interested persons. The District shall inform any person inquiring where copies of the IFC and other provisions incorporated in this Order may be purchased from the publisher thereof.

Section 13. Severability

It is the intention of the Commissioners of the District that all provisions set forth or incorporated in this Order shall be fully severable. In the event that any provision of this Order or any provision incorporated in this Order by reference is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a party of this Order, and all other provisions of this Order shall remain in full force and effect.

Section 14. Conflicts

All Orders that are in conflict with the provisions of this Order are hereby repealed and all other orders of the District not in conflict with the provisions of this Order remain in full force and effect. In the case of a conflict between this Fire Code and any other code or ordinance adopted by the City of Buda, Texas, the more stringent provision prevails.

Section 15. Notice/Publication

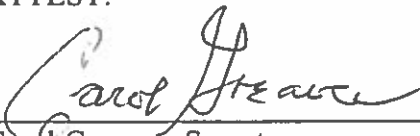
The Fire Chief shall arrange for any notice or publication of this Order required by applicable law, if any, and maintain proof thereof in the records of the District.

Section 16. Effective Date

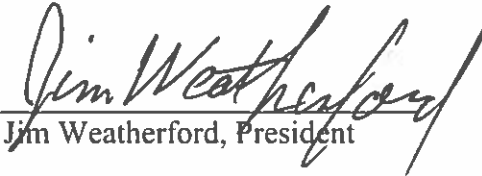
This Order shall be effective the 20th day of December 2017.

HAYS COUNTY EMERGENCY
SERVICES DISTRICT NO. 8

ATTEST:



Carol Greaves, Secretary

By: 

Jim Weatherford, President