

ORDER NO. 01-20-10-01
HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 8

AN ORDER AMENDING ORDER NO. 09-29-06-01 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 2003 International Fire Code and certain appendices thereto as well as amendments to said Fire Code on September 29, 2006 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. 09-29-06-01 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 September 29, 2006, as if said order is fully set forth herein. In the event of any conflict between this Order and Order No. 09-29-06-01, 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 2006 International Fire Code (“IFC”) and appendices B, C, D, E, F, and G 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 2006 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 Chief shall submit monthly activity reports to the District, covering inspection, review, and enforcement activities conducted during the prior month. The Fire Chief 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 102.5 is amended by adding the following subsections:

102.5.1 The exemptions provided by 102.5 shall apply only to the portion of the building designated as historical.

Section 102.6 is amended to read as follows:

102.6 Referenced code and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 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 105.6.35 is amended by deleting the exception.

Section 105.6.38 is deleted.

Section 107.4 is amended to read as follows:

107.4 Rendering equipment inoperable.

(a) Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(b) No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the fire code official. The fire code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.

Section 109.3 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor, as defined in the Texas Penal Code § 12.23. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount up to \$2,000 per day that a violation of this Code continues.

Section 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 guilty of a Class C Misdemeanor, as defined in the Texas Penal Code § 12.23. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount up to \$2,000 per day that a violation of this Code continues.

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

Facility. A building or use in a fixed location, including exterior storage areas, piers, wharves, tank farms, and similar uses. This term includes recreational vehicles, mobile home parks, manufactured housing parks, sales lots, and storage lots.

Section 307.2 Permit required is amended to read as follows:

Section 307.2 Permit Required. For any burning other than residential maintenance a permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention, or control of disease or pests, a bonfire, or any other outdoor burning within the District. All outdoor burning authorized within the District shall be conducted in full compliance with all applicable statutes, rules, or regulations, including this Ordinance, and in the case of conflict between any other applicable statute, rule, or regulation and this Ordinance, the more stringent provision shall prevail.

Section 307.2.1 Authorization is amended to read as follows:

Section 307.2.1 Authorization. All outdoor burning shall be done in accordance with Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 – 111.221. If a conflict should arise between this code and the Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 – 111.221, then the more stringent rule shall apply. Where required by state or local law or this code, open burning shall only be authorized with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. If issued, permits may be revoked at any time by the fire code official if any conditions or limitations set forth in the permit have been violated. This action if taken may result in fines or additional fees issued by the fire department.

Residential Maintenance Burning

All outdoor burning conducted within the District must be authorized and may require an on-site visit prior to initiating any outdoor burning. The individual responsible for the outdoor burning shall call (512) 393-7896 for notification and instructions. After the request is received, a code official or fire department officer may conduct an on-site inspection. If required and the site inspection is satisfactory, permission will be granted to conduct the burn.

Open Burning within the district as described above is to be intended for residential maintenance and does not require a permit fee, given burning is occasional and not commercial in nature. Exception: The burning of household waste is excluded from this code in the unincorporated areas of Hays County Emergency Services District No. 8.

Any Open Burning other than that intended for residential maintenance and the burning of household waste in unincorporated areas within the district described above, i.e. Lot Clearing, Prescribed Burning or if in the code officials opinion any request that exceeds acceptable height, size or frequency, shall require a prescribed time frame permit and/or

fees. Application for such approval(s) shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

DISTRICT OPEN OUTDOOR BURNING PERMIT PROCESS
Open burning site district requirements for burning other than residential maintenance

- Site inspected or approved by a Fire Department Official.
- Phone available on site to contact 9-1-1.
- Proposed burn site is at least 50 feet from any structure.
- Wind and/or Conditions are favorable.
- Cannot burn prohibited items.
- Proposed burn site is manageable size and height.
- Approved water source or extinguishing equipment available at burn site.
- Burn site is downwind or at least 300 feet from any occupants that might be sensitive to smoke.
- Applicant to be informed of burn regulations.
- Applicant must abide by any additional requirements provided by code official.
- When issued all permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous place on the premises, or shall be kept on the premises location designated by the fire code official.

Exception: Burning of household trash within unincorporated areas of the District.

Section 308.3.1 is amended to read as follows:

308.3.1 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 308.3.1.1 is deleted.

Section 315.2 is amended by adding the following subsection:

315.2.5 High-piled combustible storage. High-piled combustible storage shall comply with section 2301.

Section 401.1 is amended by deleting the exception.

Section 403 is amended by adding the following:

403.2.2 Enforceability. The public safety plan, as described in 403.2 and approved by the fire code official, shall be complied with and is enforceable under the provisions of this code. Any violations of the plan shall be punishable by a fine of at least \$500.00.

Section 503.1.1 is amended to read as follows:

503.1.1. Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.1.1.1, 903.3.1.2 or 903.3.1.3;
2. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided; or
3. The are not more than two Group R-3 or Group U occupancies.

Section 503.2.1 is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 25 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

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. A single gate serving two-way traffic shall be 25 feet in clear open width. When two gates are installed and each only serves one direction of travel, they shall be 15 feet in clear open width each.

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.

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 buildings and three inches in height for residential buildings. The numbers and letters shall have a minimum stroke width of .5 inches. If a building is located more than 150 feet from the street, an address shall be posted at the street entrance.

Section 508.2.1 is amended to read as follows:

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

Section 508.5.1 is amended to read as follows:

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 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 508.5.3 is amended to read as follows:

508.5.3 Private service water mains 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) Private fire service mains and water tanks shall be periodically inspected, periodically tested, and maintained in accordance with NFPA 25.

Section 508 is amended by adding the following:

508.5.7 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 605.5.1 is amended to read as follows:

605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle and, except for approved multi-plug extension cords, shall serve only one portable appliance.

Section 605 is amended by adding the following:

605.11 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:

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 903.2.9 is amended to read as follows:

903.2.9 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;
2. Buildings classified as an enclosed parking garage in accordance with Section 406.4 [B]; or
3. Where enclosed parking garages are located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies as applicable in Section 101.2.

Section 903.2 is amended by adding the following:

903.2.14 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.

903.2.15 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

Section 1404.1 is amended by adding the following:

1404.3 Permits. Permits shall be required as set forth in Section 105.7.

Section 1410.1 is amended to read as follows:

1410.1 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 C105.1 is amended to read as follows:

C105.1 Hydrant spacing. Where required by Section 508.5.1, a minimum of one (1) hydrant within 300 feet of all portions of exterior walls (first floor), a second hydrant within 500 feet of all portions of exterior walls (first floor). This measurement is taken around the perimeter of the building and down the access road to the hydrant. (MEASUREMENT NOT TAKEN AS A RADIUS).

Exception: The fire code official is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provided all or a portion of the required fire hydrant services. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

Section C105 is amended by adding the following subsection:

C105.2 Installation. Fire hydrants must be installed with the center of the four and one half (4.5) inch steamer opening at least 18 inches above finished grade. The (4.5) opening must face the driveway or street and must be totally unobstructed to the street. Fire hydrant design shall be 2-2.5" NST outlets, 1-4.5" outlet with the City of Buda threads. Set back from the face of the hydrant to the back of the curb shall be in accordance with the City of Buda Standards except that on private property, set back shall be three (3) to six (6) feet to avoid vehicular damage, unless specifically approved by the fire Code Official.

Section D103.2 exception is amended to read as follows:

D103.2 Exception. Grades steeper than 10 percent as approved by the fire code official.

Section D103.3 is amended the read as follows:

Section D103.3 Turning radius. Fire apparatus access roads shall be designed with the appropriate 25 foot inside turning and a 50 foot outside turning radius at turns to accommodate any operational fire department apparatus.

Exception: Radius less than 25 feet inside or 50 feet outside as approved by fire code official.

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 - NO PARKING" 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 - NO PARKING" 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 part 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

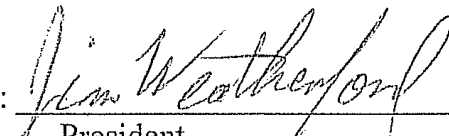
This Order shall be effective the 20th day of January 2010.

HAYS COUNTY EMERGENCY
SERVICES DISTRICT NO. 8

ATTEST:



Secretary

By: 

President