



# **COMAL COUNTY FIRE CODE**

AS

ADOPTED: May 8, 2008

EFFECTIVE: June 1, 2008

AS

AMENDED: September 10, 2009

EFFECTIVE: September 10, 2009

AS

AMENDED: December 15, 2011

EFFECTIVE: January 1, 2012

AS

AMENDED: April 2, 2015

EFFECTIVE: May 1, 2015

## **Comal County Commissioners Court**

SHERMAN KRAUSE, County Judge

DONNA ECCLESTON  
Commissioner, Pct. #1

SCOTT HAAG  
Commissioner, Pct. #2

KEVIN WEBB  
Commissioner, Pct. #3

JEN CROWNOVER,  
Commissioner, Pct. #4

## **Comal County Fire Marshal's Office**

WAYNE ELLINGTON, Comal County Fire Marshal

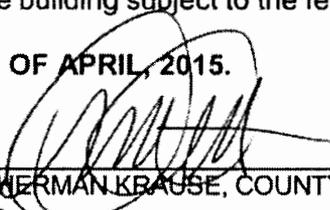


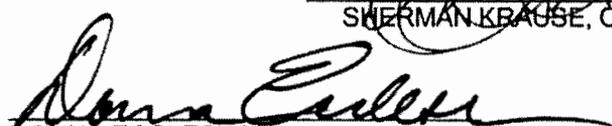
**WHEREAS**, the Comal County Fire Marshal's Office shall issue permits for such inspections and collect fees according to the fee schedule adopted in the Fire Code; and

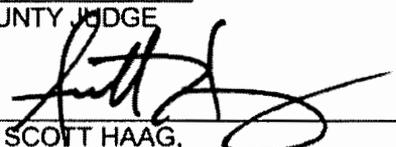
**NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY THAT** the Comal County Fire Code incorporating the International Fire Code (2015 edition), published by the International Code Council, is hereby amended.

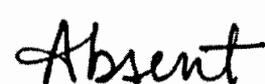
**BE IT FURTHER ORDERED THAT** the Comal County Fire Code, as amended, shall be effective May 1, 2015, and the Comal County Fire Code amended by this Order shall apply to all buildings upon which construction or substantial improvements begins after that date, provided that the fee schedule adopted under this order shall apply to all fees coming due after that date regardless of the date upon which construction or substantial improvements begins for the building subject to the fee.

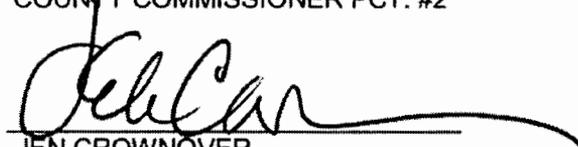
**AMENDED THIS 2ND DAY OF APRIL, 2015.**

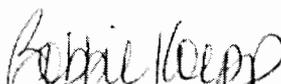
  
SHERMAN KRAUSE, COUNTY JUDGE

  
DONNA ECCLESTON,  
COUNTY COMMISSIONER PCT. #1

  
SCOTT HAAG,  
COUNTY COMMISSIONER PCT. #2

  
KEVIN WEBB,  
COUNTY COMMISSIONER PCT. #3

  
JEN CROWNOVER,  
COUNTY COMMISSIONER PCT. #4

ATTEST:   
BOBBIE KOEPP, COUNTY CLERK



**COMAL COUNTY FIRE CODE**

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## **COMAL 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 Comal County, Texas, acting in its capacity as the governing body of Comal County, Texas. The authority of Comal County to adopt this Code and the contents hereof is derived from Chapter 233, Subchapter C, Texas Local Government Code, §233.061 et seq., as amended. The Code shall apply to public buildings, commercial establishments, and multifamily residential dwellings with four or more units for which construction or substantial improvement, as defined in this Code, begins after the effective date of this Fire Code. This Code may be amended at any time by the Commissioners Court.

#### **SECTION 1.2 – SCOPE OF REGULATIONS**

This Code applies in unincorporated areas of Comal 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 improvement of public buildings, commercial establishments, and multifamily residential dwellings to reduce the risk to life and property from fire. Fire safety in regard to operation and use of buildings and structures after construction, whether their construction was subject to this Code, shall be enforced independent of this Code by the County Fire Marshal in accordance with applicable law, including but not limited to his independent authority to inspect for the presence of fire and life safety hazards and order their correction under Chapter 352 of the Texas Local Government Code. 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 the International Fire Code 2015 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, covenants, 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 Comal 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 Comal County Fire Code shall consist of this Code plus the International Fire Code 2015 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**

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alteration has been approved by the Fire Code Official. The Fire Code Official is authorized to approve an alternative material or method of construction where the Fire Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety. (ref: 104.9 IFC 2015).

#### **SECTION 1.9 – INCORPORATION OF DEFINED WORDS AND PHRASES**

If a word or phrase is defined in the International Fire Code, 2015 Edition, the definitions in that code apply to that word or phrase when it is 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 Comal 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 or substantial improvement is not in compliance with the Comal 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 multifamily residential dwelling, and all related improvement 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 broke, on the date that:

- (a) the first materials are added to the original property;
- (b) foundation pilings are installed on the original property; or
- (c) a manufactured building or relocated structure is placed on a foundation on the original property.

### **SECTION 2.4 – COUNTY FIRE MARSHAL**

“County Fire Marshal” means the holder of the statutory office of County Fire Marshal for Comal 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 “Comal County Fire Marshal” shall be interchangeable.

### **SECTION 2.5 – FIRE CODE**

“Fire Code” means the Comal County Fire Code and the codes and standards in the attached document, known as the International Fire Code, 2015 Edition, including Appendix Chapters A, B, C, D, E, F, G, H, I, J, K, L and M 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 Comal 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 – MULTIFAMILY RESIDENTIAL DWELLING**

“Multifamily Residential Dwelling” means a multifamily 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**

A “Substantial Improvement” is:

- (a) the repair, restoration, reconstruction, improvement, or remodeling of a public building, a commercial establishment, or a multifamily residential dwelling for which the cost exceed 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
- (b) a change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into a loft apartment.

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, reconstructions, 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 Comal 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 Comal 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 Comal 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:

- (a) Two complete sets of construction and site plans, drawn to scale for the proposed building or system containing all specifications, including the following:
  - (1) The types of construction materials and class of interior finish;
  - (2) The location of all exits with distances between exits called out – exit width, type and any special requirement shall be stated; and
  - (3) The location of any fire alarm equipment, automatic sprinklers, emergency lighting, and any other necessary safety measures required to meet this Code; and
- (b) 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 multifamily residential dwelling meets the minimum requirements of this Code based on the information provided.

- (a) If it is determined 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.
- (b) If it is determined that the proposed construction or substantial improvement does not comply with the requirements of this Code, then the application package shall be returned to the applicant with an explanation of 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:

- (a) issue the permit if the application complies with this Code; or
- (b) deny the application if the application does not comply with this Code.

If the Fire Code Official receives an application 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 days 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 – PERMITTEE**

### **SECTION 5.1 – RESPONSIBILITY OF PERMITTEE**

All permit holders must:

- (a) post the permit on the jobsite in a place visible from the nearest road or street;
- (b) post and maintain the street number on the jobsite in a place visible from the road or street and in a manner meeting the requirements of the standard for permanent numbers set forth in the International Fire Code 2015 Edition, Section 505.1; and
- (c) allow the Fire Code Official 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 multifamily 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 drawings and/or specifications shall be added to the permittee's file and the Fire Code Official shall amend the permit.

### **SECTION 5.2 – INSPECTIONS**

- (a) The permittee 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.
- (b) 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.
- (c) 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 multifamily 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.
- (d) 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 orders, 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. Section 108 and Appendix A of the International Fire Code, 2015 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 place the 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. 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 provision 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 nuisances, 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 permittee 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**

- (a) 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 whatever action is necessary to remedy the violation, including but not limited to filing suit to enjoin the violation and/or seek a civil penalty under Texas Local Government Code § 233.067 of up to \$200 for each day a violation exists.
- (b) If a violation continues, Comal County may file a Certificate of Non-Compliance in the Real Property Records of Comal County, Texas. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Comal 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.
- (c) 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's Office 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, cashiers 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 that fund shall be used only for the administration and enforcement of the Comal 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 Comal 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 provision of this Code might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

### **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 general shall include the female gender and the neuter, and vice versa.

**ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO *INTERNATIONAL  
FIRE CODE, 2015 EDITION***

The International Fire Code is amended in the following respects:

(1) Subsection 101.1 is revised as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code of Comal County*, hereinafter referred to as "this code."

(2) Subsection 109.4 is revised as follows:

**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 for each day on which the violation exists.

(3) Subsection 111.4 is revised as follows:

**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 for each day on which the violation exists.