

ELLIS COUNTY FIRE CODE



AS

ADOPTED: November 26, 2012

EFFECTIVE: January, 1, 2013

REVISED: November 1, 2020

ELLIS COUNTY FIRE MARSHAL'S OFFICE

TIM BIRDWELL , ELLIS COUNTY FIRE MARSHAL

**ORDER OF
THE ELLIS COUNTY COMMISSIONERS' COURT
ADOPTING
THE ELLIS COUNTY FIRE CODE**

STATE OF TEXAS §
COUNTY OF ELLIS §

RECITALS

Texas Local Government Code, Chapter 233 authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it, including requiring building permits.

The Commissioners' Court finds that adopting a fire code and requiring permits for the construction of commercial establishments, public buildings, and multi-family dwellings with four or more units in the unincorporated areas of Ellis County, Texas, allows the County to impose standards to protect the health, safety, welfare and property of the general public. This Code governs the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in unincorporated Ellis County. It provides for the issuance of permits and collection of fees. This code repeals all other codes and parts of codes adopted by Ellis County that are in conflict with it.

The Fire Marshal has represented to the Commissioners' Court that the International Fire Code (2018 edition), published by the International Code Council and the Recommended Amendments, to the 2018 International Fire Code published by the North Central Texas Council of Governments meets the requirements of Local Government Code Chapter 233. provides appropriate protective measures and continuity with other local governments in Ellis County.

The Commissioners' Court has considered the recommendations of the Fire Marshal, and deems it appropriate to adopt the International Fire Code 2018 edition and the Recommended Amendments published by the North Central Texas Council of Governments along with the insertions, deletions and changes prescribed in Exhibit A hereto attached, as the as the fire code for the unincorporated areas of Ellis County, Texas.

The fee schedules adopted in this order are based on the type of the building proposed and reflect the amount necessary to cover the cost of administering and enforcing this code.

Contents

PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS..... 5

 SECTION 1.1 - AUTHORITY 5

 SECTION 1.2 – SCOPE OF REGULATIONS..... 5

 SECTION 1.3 - PURPOSE 5

 SECTION 1.4 - CONSTRUCTION OF REGULATIONS..... 5

 SECTION 1.5 - ABROGATION 5

 SECTION 1.6 - WARNING AND DISCLAIMER OF LIABILITY 6

 SECTION 1.7 - FINDINGS OF FACT 6

 SECTION 1.8 - BASIS FOR REGULATION 6

 SECTION 1.9 – ALTERNATIVE MATERIALS AND METHODS 6

PART 2 - USE OF TERMS 6

 SECTION 2.2 - CERTIFICATE OF COMPLIANCE 6

 SECTION 2.3 - CERTIFICATE OF NON-COMPLIANCE 7

 SECTION 2.4 CONSTRUCTION 7

 SECTION 2.5 – FIRE CODE OFFICIAL 7

 SECTION 2.6 - COUNTY FIRE MARSHAL..... 7

 SECTION 2.7- PERSON 7

 SECTION 2.8 - PUBLIC BUILDINGS AND COMMERCIAL ESTABLISHMENTS 7

 SECTION 2.9 - SUBSTANTIAL IMPROVEMENT 7

 SECTION 2.11 - UNINCORPORATED AREA..... 8

PART 3 - GENERAL PROVISIONS 8

 SECTION 3.1 - ADMINISTRATION BY THE FIRE CODE OFFICIAL..... 8

 SECTION 3.2 - RESPONSIBILITY OF THE FIRE CODE OFFICIAL..... 8

 SECTION 3.3 - RESPONSIBILITY OF OTHER OFFICIALS 8

PART 4 – PERMITS..... 9

 SECTION 4.1 - PERMITS REQUIRED 9

 SECTION 4.2 - APPLICATION FOR PERMIT..... 9

 SECTION 4.3 - DETERMINATION OF PERMIT ELIGIBILITY 9

 SECTION 4.4 - ISSUANCE OF PERMITS..... 10

 SECTION 4.5 - TERM OF PERMITS 10

PART 5 - PERMITTEE..... 10

SECTION 5.1 - RESPONSIBILITIES OF ALL PERMITTEES..... 10

SECTION 5.2 - INSPECTIONS..... 10

PART 6 - APPEALS AND HEARING PROCEDURES..... 11

SECTION 6.1 - APPEALS 11

SECTION 6.2 - HEARING BEFORE THE EXAMINER 12

SECTION 6.3 - FILING OF EXAMINER'S DECISION 12

SECTION 6.4 - REVIEW BY COMMISSIONERS' COURT 12

PART 7 – ENFORCEMENT 12

SECTION 7.1 - ENFORCEMENT 12

SECTION 7.2 - VIOLATION OF CONDITIONS OF REGULATIONS..... 13

PART 8 – FORMS and RECORDS 13

SECTION 8.1 – FORMS..... 13

SECTION 8.2 - MAINTENANCE OF RECORDS 13

EXHIBIT A..... 14

 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO INTERNATIONAL FIRE CODE, 2018 EDITION 14

EXHIBIT B FEES

 TABLE I Ellis County Permit Fee Schedule Permits

 Table II Annual Fire and Life Safety Fee Schedule

 TABLE III Commencing Work, Activity or Operations Before Obtaining a Permit

ELLIS 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 Ellis County, Texas, acting in its capacity as the governing body of Ellis County. The authority of Ellis 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. *This Code* shall apply to public buildings, commercial establishments, and multi-family 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 a majority of the Commissioners' Court.

SECTION 1.2 – SCOPE OF REGULATIONS

This Code applies in unincorporated areas of Ellis 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 multi-family residential dwellings consisting of four or more units 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 or not their construction was subject to *this Code*, shall be enforced independent of *this Code* by the County Fire Marshal in accordance with applicable law, including but not limited to his independent authority to inspect for 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 that the law would authorize.

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 or for the safety of the occupants thereof or the general public, which are not specifically provided for by *this Code*, shall be determined by the Fire Code Official. The codes and standards referenced in *this Code* shall be those that are listed in Chapter 80 of the International Fire Code 2018, 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 a 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 a fire hazard. *This Code* shall not create liability on the part of Ellis County or any officer or employee 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 - FINDINGS OF FACT

It is hereby found by the Commissioners' Court of Ellis County that fires have occurred in the past within its jurisdiction and are likely to occur in the future, and that damage to property and loss of life occurs for many reasons including fires that could have been prevented or minimized by providing additional safety guards to provide adequate egress time and protection for people exposed to fire.

SECTION 1.8 - BASIS FOR REGULATION

The Ellis County Fire Code shall consist of this document plus the *International Fire Code* -2018 Edition, and all of its references, and Appendices B, C, D, E, F, G, H, I, L and N are incorporated herein as if fully set out herein, with the additions, insertions, deletions and changes, prescribed in Exhibit A hereto.

SECTION 1.9 – ALTERNATIVE MATERIALS AND METHODS

The provisions of *this Code* are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alteration has been approved by the Fire Code Official. The Fire Code Official is authorized to approve an alternative material or method of construction where the Fire Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of *this Code*, and 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.

PART 2 - USE OF TERMS

SECTION 2.1- Application

“Application” means the completed application using the form designated by the Fire Code Official along with all supporting documents required by the Fire Code Official.

SECTION 2.2 - 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 Ellis 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 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 2.3 - 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 Ellis County Fire Code as of a specific date. This certificate may be filed in the Real Property Records as outlined in Section 7.1 of *this Code*.

SECTION 2.4 CONSTRUCTION

“Construction” means the initial permanent construction of a public building, a commercial establishment, or a multi-family residential dwelling consisting of four or more units, and all related improvements on a site. A permit is required prior to the start of any construction. For purposes of this Code, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:

- 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 2.5 – FIRE CODE OFFICIAL

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

SECTION 2.6 - COUNTY FIRE MARSHAL

“County Fire Marshal” means the holder of the statutory office of County Fire Marshal for Ellis County or the employee(s) designated by the County Fire Marshal to perform a task required by *this Code*. The Fire Marshal is also the Chief of the Fire Marshal’s Office.

SECTION 2.7- 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 2.8 - 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, doctors’ 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 2.9 - 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 consisting of four or more units for which the cost exceeds 50% of the building’s value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or
- 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, reconstruction, improvement, or 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 other than minor damage.

- c) The provisions of *this Code* relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

SECTION 2.10 This Code

This Code means this document, plus the International Fire Code 2018 Edition as published by the International Code Council, including all of the standards referenced in the International Fire Code 2018 except for the additions, insertions, deletions and changes listed in Exhibit A to the Ellis County Fire Code. *This Code* also includes the adoption of Appendices B, C, D, E, F, G, H, I, J and N to the International Fire Code 2018 Edition.

SECTION 2.11 - UNINCORPORATED AREA

“Unincorporated Area” means the area in Ellis 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

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

Under *this Code*, the Fire Code Official is responsible for all administrative decisions, determinations and duties. The Fire Code Official may seek and secure the assistance of other officials of Ellis 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

Permits required by this Code shall be obtained from the Fire Code Official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 (IFC 2018) for either:
 - a. A prescribed period.
 - b. Until renewed or revoked.
2. Construction permit. In addition to the definition in Section 2.4, a construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7 (IFC -2018).

When more than one permit is required for the same location, the Fire Code Official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

No person shall perform or authorize Construction or Substantial Improvement within the unincorporated areas of Ellis County without first securing a permit under *this Code*.

SECTION 4.2 - APPLICATION FOR PERMIT

The application for a permit required by *this Code* shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as required by the fire code official. The application shall be accompanied by a fee in accordance with *this Code*

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 or documents.

SECTION 4.3 - DETERMINATION OF PERMIT ELIGIBILITY

After the construction application is filed, the Fire Code Official shall determine if the proposed public building, commercial establishment, or multifamily residential dwelling consisting of four or more units 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.
- 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.
- c) If the Fire Code Official does not issue or deny the application within thirty days after receiving the application and fee, the construction or substantial improvement of the building that is the subject of the application is approved.

SECTION 4.4 - ISSUANCE OF PERMITS

When the Fire Code Official determines a permit shall be issued, the Fire Code Official shall issue the permit after the proper fee is collected.

SECTION 4.5 - TERM 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.

An Operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit.

PART 5 - PERMITTEE

SECTION 5.1 - RESPONSIBILITIES OF ALL PERMITTEES

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 standards for permanent numbers set forth in The International Fire Code 2018 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 consisting of four or more units 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 changes do not comply with this Code, the Fire Code Official shall not approve the change. If a 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.
- d) Under Section 233.063 of the Local Government Code, a person may not construct or substantially improve a building unless the person obtains a permit.
- e) Under section 233.064 of the Local Government Code a building may not be occupied until the county issues a certificate of compliance.

SECTION 5.2 - INSPECTIONS

- a) The Permittee shall ensure that sufficient inspections have been 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 the applicant or 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 and signed request form will serve as a request for final inspection.

- c) Once a completed, signed and sealed form has been turned into the Fire Code Official, and the Fire Code Official 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. For a building or complex of buildings involving phased completion or build-out, the county may issue a partial certificate of compliance for any portion of the building or complex the inspector determines is in substantial compliance with *this code*. If the inspector determines, after inspection of the completed building, that the building does not comply with the fire code, the county may deny the certificate of compliance, or issue a conditional or partial certificate of compliance and allow the building to be occupied. If a conditional certificate of compliance is issued, the county shall notify the owner of the violations and establish a reasonable time to remedy the violations. The county may revoke a conditional certificate of compliance if the owner does not remedy the violations within the time specified. A building may not be occupied until a final, conditional or partial certificate of compliance is issued. 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.
- 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 hereof.
- e) The Fire Code Official shall begin the inspection within five days of receiving the Request for Final Inspection.

PART 6 - APPEALS AND HEARING PROCEDURES

SECTION 6.1 - APPEALS

If a permit applicant is denied a permit, the applicant may appeal the denial as provided in this Section. The term “Appellant” is used to refer to the appealing party. An Appellant must seek remedy under this procedure before seeking remedy in court. Application for a permit is deemed to be a waiver of the right to challenge *this Code* before exhausting remedies herein provided.

- a) To initiate an appeal, an Appellant must submit a written request for an exception to *this Code* to the Hearing Examiner who has been appointed by Commissioners’ Court.
- b) A Hearing Examiner appointed by Commissioners’ Court will set a time for a hearing, which will be scheduled as soon as practicable, preferably within fifteen (15) days of the receipt of the written request, and shall prepare a Notice of Public Hearing naming the time and date of the hearing. Copies shall be distributed as follows:
 - 1) The original copy and the Certificate to Commissioners’ Court will be filed with the Clerk of Commissioners’ Court and the Clerk will prepare a file for the Hearing Notice.
 - 2) The Examiner will create a working or hearing file with one copy contained therein.
 - 3) The Examiner will give one copy to the Appellant.
 - 4) The Examiner will deliver one copy to the Fire Code Official.
- c) An appeal will not abate the decision of the Fire Code Official pending the decision of the Hearing Examiner. The hearing will be conducted as provided in Section 6.2 below.

SECTION 6.2 - HEARING BEFORE THE EXAMINER

At hearings before the Examiner, the Examiner will hear the testimony of the Fire Code Official and any witnesses called by the Fire Code Official. The Examiner will hear the testimony of the Appellant and any witnesses called by the Appellant. The Examiner will review all documents and exhibits submitted by the parties. The Examiner will not be bound by formal rules of evidence and will control the evidence, reserving the power to exclude testimony or exhibits he or she does not consider relevant. The Hearing Examiner will maintain an accurate record of the evidence adduced at the hearing.

SECTION 6.3 - FILING OF EXAMINER'S DECISION

The Examiner will prepare a written decision as soon as possible, preferably within three (3) working days of the hearing. A copy of the decision will be filed with the Clerk of Commissioners' Court, the members of the Commissioners' Court, and with the Fire Code Official. The original will be sent to the Appellant's address shown on the permit or permit application. If a variance is granted, the Fire Code Official shall prepare the appropriate permit with any special requirements that may be required by the conditions of the variance.

SECTION 6.4 - REVIEW BY COMMISSIONERS' COURT

If the Fire Code Official or the Appellant wishes to appeal the Examiner's decision, a written objection must be filed with the Clerk of Commissioners' Court within ten (10) days of the date the Examiner's decision is filed. The Clerk will notify the Hearing Examiner, who will place the matter on the Agenda of 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. The Commissioners' Court will review the matter. The Commissioners' Court may either affirm or reverse the decision of the Hearing Examiner. The Fire Code Official's decision will remain in effect pending the review of Commissioners' Court.

PART 7 – ENFORCEMENT

SECTION 7.1 - ENFORCEMENT

Civil Penalties

If any person violates any provisions of this Code, the Fire Code Official may notify the District Attorney and request that the 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. If a violation continues, Ellis County may file a Certificate of Non-Compliance in the Real Property Records of Ellis County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Ellis County. A fee for this action will be charged in accordance with Section 8.3 of this Code. The violator shall bear this and all other costs of effecting compliance. Should the building be occupied without a certificate of compliance, partial certificate of compliance, or conditional certificate of compliance as required under this Code, the County Fire Marshal may file a complaint with the District Attorney's Office. under Section 352.016 and Section 352.022 of the Texas Local Government Code.

In accordance with Section 106.3 of the International Fire Code 2018 Edition adopted by Ellis County: “A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.” The fee schedule is in Table III.

Criminal Penalties

An owner or occupant who is subject to an order issued under Texas Local Government Code Section 352.016 INSPECTION OR REVIEW OF PLAN FOR LIFE SAFETY HAZARDS commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense. The offense is a Class B misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, in which the offense is a state jail felony.

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 (3) 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 Commissioners’ Court. Fees shall be paid by exact cash, cashier’s check, money order, or personal check. Should the check be returned for insufficient funds, the permit(s) issued becomes null and void. Fees shall be paid at the time plans are submitted for review. 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 Fire Code.

PART 9 – 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 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.

EXHIBIT A

ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO INTERNATIONAL FIRE CODE, 2018 EDITION

The following additions, insertions, deletions, and changes are made to the *International Fire Code*, 2018 Edition, as adopted by Ellis County.

The Recommended Amendments to the 2018 International Fire Code as published by the North Central Texas Council of Governments are added to the International Fire Code 2018 edition. Where the Recommended Amendments require a choice between Option A or Option B, Option A is added. The following sections from the Recommended Amendments are not added to the International Fire Code 2018 Edition:

- Section 307.2
- Section 307.3
- Section 307.4
- Section 307.4.5
- Section 505.1
- Section 507.4
- Section 903.2.9.3
- Section 910.2
- Section 912.2.3
- Section 1103.5.1
- Section 5601.1.3
- Table B105.2 change to footnote *a*

CHAPTER 1 Scope and Administration

- Subsection 101 is deleted.
- Subsection 102.5 Application of Residential Code is deleted.
- Subsection 103 DEPARTMENT OF FIRE PREVENTION is deleted.
- Subsections 104.1 -104.09 are deleted.
- Subsection 105.6.15 is deleted
- Subsection 105.6.23 is deleted
- Subsection 105.6.32 is deleted
- Subsection 105.6.39 is deleted
- Subsection 109 is deleted.

SECTION 202 General Definitions

The following definitions will be included:

- Cul-de-sac. A dead-end street with a turn-around at the closed end.
- Dead-ends. A street or alley that has no regular exit or outlet. A closed end street.

The definition of **Fire Chief** in Section 202 is amended to read:

FIRE CHIEF. The Ellis County Fire Marshal.

SECTION 307 Open Burning and Recreational Fires

Subsection 307.2 is revised as follows:

307.2 Authorization. All outdoor burning in unincorporated Ellis County shall be done in accordance with Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 through 111.221.

307.3 Extinguishment authority. The Fire Marshal is authorized to order the extinguishment of open burning that creates or adds to a hazardous or objectionable situation.

SECTION 506 Key Boxes is revised as follows:

506 Key Boxes & Siren-Operated Sensors Systems for Electric Gates

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Marshal is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the Fire Marshal.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. *Exceptions: If fire department district does not participate in key box programs key boxes cannot be provided.*

506.3 Where required. The Fire Marshal is authorized to require siren-operated sensors systems for electric gates for gated communities or multiunit housing projects.

SECTION 507 Fire Protection Water Supplies

Subsection 507.1 is amended by adding the following:

A water supply as otherwise required by this section will not be required if it can be demonstrated that adequate pressures and volumes can be maintained during fire events. This may be

accomplished through the use of a wet pond or storage tank equipped with a “dry” fire hydrant that is capable of replenishing itself or the responsible emergency services district or fire department provides a plan which demonstrates that they can provide sufficient fire flow for the specific project.

APPENDICES

- Appendix A is deleted
- Appendix B is adopted in its entirety.
- Appendix C is adopted in its entirety.
- Appendix D is adopted in its entirety.
- Appendix E is adopted in its entirety.
- Appendix F is adopted in its entirety.
- Appendix G is adopted in its entirety.
- Appendix H is adopted in its entirety
- Appendix I is adopted in its entirety
- Appendix J remains non-mandatory.
- Appendix K remains non-mandatory.
- Appendix L remains non-mandatory.
- Appendix M remains non-mandatory.
- Appendix N is adopted in its entirety.

TABLE I

Ellis County Permit Fee Schedule

BUILDING PERMITS		
(For New Construction or Substantial Improvement)		
BUILDING PERMIT - The fee is based on the building type and reflects the cost of inspections, and the issuing of the permit and final certificate of compliance under this code. The building type is related to size and occupancy classification.		
For occupancy classifications A through S that are less than 500 sf, the fee is \$75.00		
For occupancy classification A through S that are less than 5,000 sf the fee is \$250.00		
For occupancy classifications A through S that are equal to or greater than 5,000 sf but less than 12,000 sf: the fee is \$500.		
For occupancy classifications A through S equal to or greater than 12,000 sf but less than 50,000 sf: the fee is \$750		
For occupancy classifications A through S that are equal to or greater than 50,000 sf, the fee is \$1,000.		
For occupancies classified as U: the fee is \$250.00.		
Publicly funded construction projects \$500 plus \$25 per hour.		
CONSTRUCTION PERMITS¹		
105.7.1	Automatic Fire-extinguishing Systems, 1 to 20 heads	\$100.00
	Automatic Fire-extinguishing Systems, 21 to 250 heads	\$175.00
	Automatic Fire-extinguishing Systems, 251 to 500 heads	\$250.00
	Automatic Fire-extinguishing Systems >500 + .50¢/head additional	\$350.00
	Automatic Fire-extinguishing Systems (Commercial Cooking)	\$150.00
105.7.2	Battery systems.	\$150.00
105.7.3	Capacitor storage systems	\$150.00
105.7.4	Compressed gases.	\$50.00
105.7.5	Cryogenic fluids.	\$50.00
105.7.6	Emergency responder radio coverage systems	\$50.00
105.7.7	Fire alarm/detection systems and related equipment 1 to 10 devices	\$100.00
	Fire alarm/detection systems and related equipment 11 to 25 devices	\$175.00
	Fire alarm/detection systems and related equipment 26 to 150 devices	\$250.00
	Fire alarm/detection systems and related equipment 151 to 500 devices	\$350.00
	Fire alarm/detection systems and related equipment >500 + .50¢/device additional	\$350.00
105.7.8	Fire pumps and related equipment.	\$100.00
105.7.9	Flammable and combustible liquids - Storage/Dispensing	\$100.00
105.7.10	Fuel cell power systems	\$100.00
105.7.11	Gas detection systems	\$100.00
105.7.12	Gates and barricades across fire apparatus access roads	\$50.00
105.7.13	Hazardous materials	\$100.00
105.7.14	High piled combustible storage	\$50.00
105.7.15	Industrial ovens.	\$50.00

105.7.16	LP-gas - Storage	\$100.00
105.7.17	Motor vehicle repair room and booths	\$100.00
105.7.18	Plant extraction systems	\$250.00
105.7.19	Private fire hydrants.	\$50.00
105.7.20	Smoke control or smoke exhaust systems	\$50.00
105.7.21	Solar voltaic power systems	\$50.00
105.7.22	Special event structures	\$50.00
105.7.23	Spraying or dipping - Building/Booths	\$100.00
105.7.24	Standpipe systems.	\$50.00
105.7.25	Temporary membrane structures and tents	\$50.00

Note (1) A Construction Permit allows the applicant to install or modify systems or equipment for which a permit is required by Section 105.7

OPERATIONAL PERMITS

An Operational Permit allows the applicant to conduct an operation or business for which a permit is required by Section 105.6 for either a prescribed period or until renewed or revoked. ¹

105.6.1	Aerosol products	\$50.00
105.6.2	Amusement buildings.	\$75.00
105.6.3	Aviation Facilities	\$100.00
105.6.4	Carnivals and fairs	\$100.00
105.6.5	Cellulose nitrate film	\$50.00
105.6.6	Combustible dust producing operations	\$100.00
105.6.7	Combustible fibers	\$100.00
105.6.8	Compressed gasses	\$100.00
105.6.9	Covered and open mall buildings	\$50.00
105.6.10	Cryogenic fluids	\$50.00
105.6.11	Cutting and welding	\$25.00
105.6.12	Dry cleaning	\$25.00
105.6.13	Exhibits and trade shows	\$50.00
105.6.14	Explosives. <i>(Non-Fireworks)</i>	\$150.00
Texas Occupations Code 2154 ²	Fireworks Stand	\$100.00
	Indoor Fireworks Sales Site	\$200.00
	Fireworks Public Display (1.3), site plan approval	\$200.00
	Fireworks Public Display (1.3),display observation ³	\$100.00
	Fireworks Storage Facility (bulk storage) per year	\$200.00
105.6.16	Flammable and combustible liquids	\$50.00
105.6.17	Floor finishing	\$50.00
105.6.18	Fruit and crop ripening	\$50.00
105.6.19	Fumigation and insecticidal fogging	\$50.00
105.6.20	Hazardous materials	\$100.00
105.6.21	HPM facilities	\$50.00
105.6.22	High-piled storage facilities	\$50.00
105.6.24	Industrial Ovens	\$25.00
105.6.25	Lumber yards and woodworking plants	\$25.00
105.6.26	Liquid or gas fuel-fired vehicles or equipment in Assembly buildings	\$150.00
105.6.27	LP Gas	\$25.00
105.6.28	Magnesium	\$50.00
105.6.29	Miscellaneous combustible storage	\$100.00
105.6.30	Mobile food preparation vehicles	\$25.00
105.6.31	Motor fuel dispensing facilities	\$25.00
105.6.33	Open flames and torches	\$25.00
105.6.34	Open flames and candles	\$25.00
105.6.35	Organic coatings	\$50.00
105.6.36	Outdoor assembly event	\$100.00
105.6.37	Places of Assembly	\$25.00

105.6.38	Plant extraction systems	\$200.00
105.6.40	Pyrotechnic special effects material (<i>Texas Occupations Code Chapter 2154</i>)	\$100.00
105.6.41	Pyroxylin plastics	\$25.00
105.6.42	Refrigeration equipment	\$100.00
105.6.43	Repair garages and motor fuel dispensing facilities	\$10.00
105.6.44	Rooftop heliports	\$100.00
105.6.45	Spraying or dipping	\$100.00
105.6.46	Storage of scrap tires and tire byproducts	\$100.00
105.6.47	Temporary membrane structures and tents	\$75.00
105.6.48	Tire rebuilding plants	\$50.00
105.6.49	Waste handling	\$100.00
105.6.50	Wood products	\$100.00

- (1) The prescribed period for all Operational Permits is one calendar year unless otherwise specified.
- (2) Fireworks stands, fireworks indoor sales sites, fireworks displays, and fireworks storage facilities must also comply with the State of Texas “Fireworks Rules”.
- (3) An Ellis County Fire Marshal’s Office representative is required for observation of ALL public displays involving Class 1.3 fireworks.

TABLE II	
Ellis County Fire Marshal's Office	
Annual Fire and Life Safety Inspection Fee Schedule	
Commercial/Public 1 - 5000 sq ft	\$25.00
Commercial/Public 5001 - 12,000 sq ft	\$50.00
Commercial/Public 12,001 - 25,000 sq ft	\$75.00
Commercial/Public 25,001 - 50,000 sq ft	\$100.00
Commercial/Public 50,001 - 100,000 sq ft	\$125.00
Commercial/Public 100,001 - 250,000 sq ft	\$175.00
Commercial/Public >250,000 each 10,000 sq ft	\$25.00
Multi-Family Dwellings (4 or more units)	\$50.00 per hour
Public Schools, K thru 12	\$25.00 per hour
All other schools....see commercial rate	
Licensed Day Care Centers	\$75.00
Foster Home Licensed for 1-6 children	\$50.00
Group Home Licensed for 7-12 children	\$100.00
Licensed Hospital/Nursing Homes	\$200.00
Other 24-hour Care Facilities, such as residential treatment centers, personal care facilities, maternity homes, and similar facilities.	
Licensed for 1-3 occupants	\$50.00
Licensed for 4-16 occupants	\$100.00
Licensed for 17-25 occupants	\$150.00
Licensed for 26 or more occupants	\$200.00
FIRE WATCH / STANDBY - For qualified personnel for the purpose of identifying and controlling fire hazards. The fee is \$50.00 per hour or portion of an hour for each required person employed by the Ellis County Fire Marshal's Office.	
MASS GATHERINGS & ASSIGNMENTS OF INSPECTION PERSONNEL PERMIT - Plan review and site inspection for mass gatherings. The fee is \$250. In addition, a fee of \$50 for each hour, or portion of an hour, per each Ellis County Fire Marshal's Office person required to be on site during the event.	
RE-INSPECTION FEES: There is no charge for the initial re-inspection for the purpose of verifying that deficiencies identified in the annual inspection have been corrected. The FEE for the second re-inspection and all subsequent re-inspections is equal to the FEE for the initial inspection.	

Note: The inspection standard for the unincorporated areas of Ellis County is based upon the Ellis County Fire Code, and Texas Local Government Code § 352.016. If you have any questions about which parts of the Code are applicable to your location, please call the Ellis County Fire Marshal's Office at 972-825-5555.

TABLE III

Ellis County Fire Marshal's Office

Commencing Work, Activity or Operations Before Permit Issuance

A person who commences any work, activity, or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee. The fee shall be in addition to the required permit fee. (IFC Section 106.4)

Engaging in work, activities, or operations for which an Operational Permit is Required	The fee is equal to the fee required for the operational permit. Each day the violation exists is a new violation.
Engaging in construction or substantial improvement as defined by Sections 2.4 and 2.9 of the Ellis County Fire Code is a violation.	The fee is equal to the original permit fee for the construction permit. Each day the violation continues is a separate violation.