ORDER ADOPTING FIRE CODE

WHEREAS, the Board of Emergency Services Commissioners of Bastrop-Travis Counties Emergency Services District No. 1 ("District") is authorized, pursuant to Texas Health & Safety Code § 775.036 to adopt and enforce a fire code; and

WHEREAS, the District desires to adopt a fire code and to 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, ORDERED that:

Section 1. Adoption of Code

(a) Except as otherwise provided in other provisions of this Order, the following documents are hereby adopted and incorporated 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 2018 International Fire Code ("IFC") and appendices B, C, D, E, F, H, I, and N 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 2018 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 2. Administration

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

(b) The Fire Code Official shall submit monthly activity reports to the District, covering inspection, review, and enforcement activities conducted during the prior month. The Fire Code Official shall keep an accurate account of all fees, fines, and other funds collected and received pursuant to this

Order, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

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

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

Section 3. 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/her designated agents may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed on the Fire Code Official 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 Code Official 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 Code Official 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 4. 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 their 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 5. 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 6. 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. 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 8, herein, is substituted in its place.

(c) The following sections of the IFC are hereby amended as stipulated in the attached **Exhibit A**

Section 7. 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 Code Official 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 competed. 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 Code Official 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 8. 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 Fire Code Official or his/her 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 Code Official 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 Board of Commissioners at which the appellate panel is appointed to hear the appeal. If no meeting of the Board of Commissioners occurs during the period after a request for appeal is submitted as required by this subsection (c), the President of the Board of Emergency Services 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 if 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 Code Official 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 Code Official 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, Fire Code Official 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 Board of Emergency Services 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 9. 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 10. 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 his Order, the initial fees related to the implementation and enforcement of the Fire Code shall be as set forth in **Exhibit B**, attached hereto and incorporated herein for all purposes.

Section 11. 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 12. Severability

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

Section 13. Conflicts

All Orders that 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.

Section 14. Notice/Publication

The Fire Code Official 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 15. Effective Date

This Order shall be effective the 20th day of March 2025.

BASTROP-TRAVIS COUNTIES
EMERGENCY SERVICES DISTRICT
NO. 1

By: _____
Larry Moseley, President
Board of Commissioners

ATTEST:
_____
Brain Henson, Secretary
Board of Commissioners

CERTIFICATE FOR ORDER

STATE OF TEXAS §
§
COUNTIES OF BASTROP AND TRAVIS §

The undersigned officer of the Board of Commissioners ("Board") of Bastrop-Travis Counties Emergency Services District No. 1 ("District") hereby certifies as follows:

1. The Board of the District convened in a regular meeting on the 20th day of March 2025, at the Elgin Fire Station, located at 111 North Avenue C, Elgin, Texas, and the following officers and members of the Board:

Larry Moseley	-	President
Nick Teague	-	Vice President
Brian Henson	-	Secretary
Ramiro Garza	-	Treasurer
Damon Doss	-	Asst. Treasurer/Secretary

were present, except Commissioner(s) ——————, thus constituting a quorum. Among other business, an:

ORDER ADOPTING FIRE CODE

was introduced for the consideration of the Board. It was then moved and seconded that the Order Adopting Fire Code ("Order") be adopted, and, after discussion, the motion prevailed and carried by majority vote.

2. A true, full and correct copy of the Order adopted at the meeting described above is attached to this certificate. The Order has been recorded in the District's minutes of the meeting. The persons named in the paragraph above are the duly chosen, qualified and acting officers and members of the Board as indicated in paragraph 1. Each of the officers and members of the Board was notified officially and personally, in advance, of the time, place and purpose of the Board meeting and that the Order would be introduced and considered for adoption at the meeting. Each of the officers and members consented, in advance, to holding the meeting for such purpose. The meeting was open to the public as required by law, and public notice of the time, place and subject of the meeting was given as required by Chapter 551 of the Government Code.

SIGNED AND SEALED this 20th day of March 2025.

(SEAL)

Brian Henson, Secretary
Board of Commissioners

STATE OF TEXAS §
§
COUNTIES OF BASTROP AND TRAVIS §

This instrument was acknowledged before me on 4-17-, 2025 , by Brian Henson, Secretary of the Board of Commissioners of Bastrop-Travis Counties Emergency Services District No. 1, on behalf of the District.

(Seal)

SCHEL RUIZ
NOTARY PUBLIC
STATE OF TEXAS
ID 134840993
EXP. 04-08-2028

Notary Public Signature

EXHIBIT A

2018 International Fire Code – Bastrop/Travis Counties ESD No.1
Local Amendments

EXHIBIT B

Schedule of Fees