

**ORDER ADOPTING 2018 INTERNATIONAL FIRE CODE**

STATE OF TEXAS           §

COUNTY OF BURNET       §

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

**WHEREAS**, the Commissioners of the District desire 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) The following is hereby adopted as the Fire Code of the District (“Fire Code” or “Code”), except for those portions of the District within the corporate limits of any municipality located in the territory of the District that has adopted a fire code. The Fire Code regulates and governs the safeguarding of life and property from fire, medical, 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 as herein provided. The Fire Code provides for the issuance of permits and collection of fees. Each of the regulations, provisions, penalties, conditions, and terms of the Fire Code on file in the office of the District are hereby referred to, adopted and made a part hereof, as if fully set out in this Order, with the additions, insertions, deletions, and changes, if any, prescribed in this Order.

(1) The 2018\_\_ International Fire Code (“IFC”) and appendices B, C, D, E, F, G & I promulgated by the International Code Council, Inc. are adopted.

(2) In determining the types of construction referred in Appendix B and other relevant sections of the IFC, the definitions and descriptions of types of construction provided in Chapter 6, and other applicable chapters sections, and provisions of the 2018 International Building Code (“IBC”) shall be used.

(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. Pursuant to Texas Health & Safety Code Section 775.036, it is the intent of this Fire Code to not conflict with any fire code that may be adopted by Burnet County, and to the extent of any conflict between the Fire Code and any fire code adopted by Burnet County, the more stringent fire code provision shall prevail.

(c) This Order will, to the extent reasonable, be construed in a manner consistent with the IFC. If there is a conflict between this Order and the IFC, this Order will prevail.

## **Section 2. Administration**

- (a) The Fire Code Official of the District, together with such assistants and agents of the District as the Fire Code Official 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, and any other acts necessary, authorized, or required by the terms of this Order and the Fire Code.
- (b) The Fire Code Official or his designated agent shall submit monthly activity reports to the Board of Emergency Services Commissioners of the District (“Board”), covering inspection, review, and enforcement activities conducted during the prior month. The Fire Code Official or his designated agent 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 office 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, as applicable, or as otherwise permitted under the Texas Records Retention Act.

## **Section 3. Right of Entry**

- (a) In addition to the authority allowed under the IFC, 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 designated agents of the District, 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 request 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 request 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 request for entry is made as provided in Section 4, 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. The District, the Fire Code Official, or his designees may take any action, at law or in equity, available under the Fire Code to enforce this section and any other applicable section as set forth herein or as otherwise allowed under any applicable statute, law, rule, order, or regulation.

#### **Section 4. Identification of District, Commissioners, and Appellate Body**

- (a) Whenever the terms “jurisdiction”, “authority having jurisdiction”, “department”, “bureau of fire prevention”, or other like term 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” or “governing body” shall be a reference to the Board.
- (c) Any reference in the provisions 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 of the District or as otherwise provided for herein or the IFC.

#### **Section 5. Appeals**

- (1) The Board shall appoint four residents or owners of businesses in the territory of the District to serve as members of an appellate body (“Board of Appeals”) to hear and decide the complaint of any person aggrieved by a decision of the Fire Code Official or 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. Members of the Board of Appeals may be no more than two members of the District’s Board and other residents or owners of businesses in the territory served by the District. Three members of the appeal panel shall constitute a quorum, and in modifying an order of the Fire Code Official or their designee, the affirmative vote of at least three members shall be required. Members of the appellate body shall serve for a period of two years or until their successor is appointed.
- (2) The Board of Appeals shall hear the timely appeal of any decision of the Fire Code Official or other authorized official described in subsection (1). A request to appeal such a decision shall be submitted in writing addressed to the President of the Board of the District and forwarded to the District's office not more than 30 days after the date of the decision or action that is the subject of the appeal. Failure to timely and properly appeal a decision or action after 30 days or as required herein shall constitute waiver of any such appeal. A request to appeal shall include the mailing address and other contact information 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.
- (3) The Board of Appeals shall convene to schedule a hearing of the appeal 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 Appeals held to schedule the hearing. An appointment of Board of Appeals may include alternate appointments in the event that one or more appointees are unable to serve at the place and time scheduled for the appeal hearing.
- (4) Except as provided in subsection (7), the Board of Appeals shall serve written notice of the date, time, and place of the appeal hearing not less than ten days prior to the date of the hearing.

(5) An appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Code Official or their designee shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses. The Board of Appeals 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 Board of Appeals may be assisted by legal counsel for the District in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.

(6) The Board of Appeals may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the Board of Appeals shall be the decision of the appeal panel, but in no event less than three members of the Board of Appeals. The panel may reverse a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust and in conflict with the applicable Fire Code Provisions; 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 the Fire Code; and such reversal would not result in a greater threat of danger to the life or safety. The appeal panel shall have no authority to waive the requirements of this Order or the Fire Code.

(7) 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, the Fire Code Official or designee may require the demolition or removal of such structure not earlier than 10 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 10-day period. In such event, the President of the District's Board is authorized to convene the Board of Appeals or 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 6. Permits and Fees**

The fees applicable for permits, approvals, and inspections shall be established from time to time by the Board by resolution. The District may require an owner or agent who applies with the District for any permits, approvals, or inspections to pay any additional costs related to any reviews of the permits, approvals, or inspections by third parties or otherwise. The fees as established by resolution of the Board shall be as set forth in Appendix 1, attached hereto and incorporated herein for all purposes.

## **Section 7. Penalties**

The District shall be entitled to bring a civil action, including, but not limited to, injunctive relief, 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 \$2,000 per day that a violation of this Order continues. Each day a violation continues after due notice has been served shall be deemed a separate offense under the Fire Code. This Section modifies Section 109.4 of the IFC. In addition to the civil penalties and procedures set forth herein, the District may also impose criminal

penalties as set forth in Section 109.4 of the IFC and amendments thereto, and to the extent allowed by Texas law.

### **Section 8. Amendments to the International Fire Code**

The following sections are hereby amended as follows:

- (1) **Section 101.1 Title.** These regulations shall be known as the Fire Code of Burnet County Emergency Services District No. 8, hereinafter referred to as “this Code” or “Fire Code.”
- (2) **Add Section 104.7.3** The Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction and at the sole cost and expense of the owner or agent, a Third-Party Review for permits, approvals, inspections, or plans submitted to the District for approval. Any Third-Party Review by the District will be conducted by an entity of the Fire Code Official's choice.
- (3) **Add Section 105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the Fire Code Official issuing a permit that indicates that applicable provisions of this Code have been met for any new structure or change in an existing occupancy.
- (4) **Add Section 106.2.3 Re-Inspections.** The Fire Code Official or their designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. An initial inspection and two re-inspections shall be made free of charge or included in the permit process. If the Fire Code Official or their designee is required to make follow-up inspections after the initial inspection and two re-inspections to determine whether a violation or violations observed during the previous inspection have been corrected, a fee shall be charged. The occupant, lessee, or person making use of the building or premises shall pay the assessed fee or fees within 30 days of being billed as a condition to continued occupancy of the building or premises.
- (5) **Amend Section 109.4 Violation penalties.** Persons who shall violate a provision of this Fire Code or shall fail to comply with any of the requirements of the Code or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a Class C Misdemeanor, as defined in the Texas Penal Code §12.23. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall be entitled to bring a civil action for the enforcement of this Code in any court of competent jurisdiction to enjoin any violation of this Code or to impose a civil penalty in an amount of \$2,000 per day that a violation of this Code continues.
- (6) **Amend Section 111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C Misdemeanor, as defined in the Texas Penal Code § 12.23, with a penalty not to exceed \$500.00, and a culpable mental state is hereby explicitly waived for any offense hereunder. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The District shall also be entitled to bring a civil action for the enforcement of this Code in any court of competent jurisdiction to enjoin

any violation of this Code or to impose a civil penalty in an amount of \$2,000 per day that a violation of this Code continues. Each day a violation continues after due notice has been served shall be deemed a separate offense.

(7) **Amend Section 307.2 Open Burning - Notification, permission.** All outdoor burning authorized within the District shall be conducted in full compliance with all applicable statutes, rules, or regulations, including this Order, and in the case of conflict between any other applicable statute, rule, or regulation and this Order, the more stringent provision shall prevail.

**Open Burning site requirements (All):**

- ▶ Phone available on site to contact 9-1-1.
- ▶ Proposed burn site is at least 50 feet from any structure.
- ▶ Current wind and/or other environmental conditions are favorable and for the following 24 hours.
- ▶ Cannot burn prohibited items.
- ▶ Burn site is manageable size and height.
- ▶ Approved water source or extinguishing equipment available at burn site.
- ▶ Burn site is downwind or at least 300 feet from any occupants that might be sensitive to smoke.
- ▶ Burn site meets State and County burn regulation requirements.

(8) **Amend Section 307.2.1 Authorization.** All outdoor burning shall be done in accordance with Texas Outdoor Burning Rule Title 30 Texas Administrative Code (30 TAC) Sections 111.201 - 111.221. If a conflict should arise between this Code and the Texas Outdoor Burning Rule, Title 30 Texas Administrative Code (30 TAC), Sections 111.201 - 111.221, then the more stringent rule shall apply. Where required by state or local law or this Code, open burning shall only be authorized with prior approval from the state or local air and water quality management authority or other authorities having jurisdiction, provided that all conditions specified in the authorization are followed.

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

(10) **Amend Section D103.3 Turning radius.** Fire Apparatus access roads shall be designed with an appropriate 25 foot inside turning and a 50 foot outside turning radius at turns to accommodate any operational fire department apparatus.

(11) **Amend Section D107.1** One- or two-family dwelling residential developments. Fire department access. Reference Appendix 2 of this Order.

(12) **Amend Section 503.3 Marking.** Marking, striping, signs, or other markings, when approved by the Fire Code Official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be repaired when necessary to provide adequate visibility.

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

(13) **Amend Section 503.6 Security Gates.** The installation of security gates across a fire apparatus road shall be approved by the Fire Code Official. Where security gates are installed, they shall have an approved means of emergency operation, including a means of operation without power and a means of operation with a Knox Box. The security gates and emergency operation shall be maintained at all times. A single gate serving two-way traffic shall be 25 feet in clear open width. When two gates are installed and each only serves one direction of travel, they shall be 15 feet in clear open width each. This provision pertains to new and existing gates.

(14) **Amend Section 505.1 Address Notification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and from the rear alleyways/access. These numbers shall contrast with their background. Where required by the Fire Code Official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of six inches high with a minimum stroke width of one inch and retro reflective. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be maintained and used to identify the structure, including the address numbers. This provision pertains to new and existing buildings and properties.

(15) **Amend Section 507.2.3 Water Tanks.** Water tanks for private fire protection shall be installed in accordance with NFPA 22. If municipal water systems do not exist or are incapable of supplying fire flow requirements, then water tanks that comply with NFPA 22 shall be substituted as approved by the Fire Code Official or their designee. All water tank sizes will be determined by Appendix 3. Swimming pools, cisterns, reservoirs, stock tanks, natural bodies of water etc. are not acceptable alternatives.

(16) **Amend Section 403.1.1 Public Safety Plan.** The Fire Code Official is authorized to require an approved public safety plan where the Fire Code Official determines that an indoor or outdoor gathering of persons may have an adverse impact on public safety. An adverse impact may be caused by diminished access to buildings, structures, fire hydrants, fire apparatus access roads, mass gatherings, or an event which adversely affects delivery of public safety of any kind.

(17) **Amend Section 501.4 Timing of Installation.** Where fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation phase of any structure.

(18) **Add Section 509.3 Main Electrical Disconnect.** The main electrical disconnect for each building shall be installed on the exterior of the building in an approved location. In lieu of the main disconnect, a remote shunt trip may be installed to disconnect electrical service when approved by the Fire Code Official.

(19) **Add Section 506.3 Document vaults.** Where a building or occupancy contains an occupancy or business that is required to maintain Safety Data Sheets (SDS), a lock box or key box document vault may be required to be installed by the Fire Code Official. The document vault shall be installed in an accessible location approved by the Fire Code Official. The document vault shall contain copies of the Safety Data Sheets (SDS) that are required to be on file within the building or occupancy as well as a floor plan or written description that indicates the location of the general area where these materials will be found within the building or occupancy.

(20) **Amend Section 308.1.4 Open flame cooking devices.** Charcoal burners/grills and other similar flame cooking devices shall not be operated/used on combustible balconies or within 10 feet of combustible construction. Such cooking devices shall not be stored on balconies. This provision does not apply to one family and two-family dwellings.

(21) **Add Section 511.1 Emergency Radio Communications.** Signal strength in buildings. In all new and existing buildings in which the type of construction or distance from an operational emergency services antenna or dispatch site does not provide adequate frequency or signal strength as determined by the Fire Code Official, the building owner shall be responsible for providing the equipment, installation, and maintenance of the equipment in a manner to strengthen the radio signal. The radio signal shall meet the minimum input/output strengths according to the emergency radio system's provider and system manager.

## **Section 9. References to Other Codes**

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 and necessary for the proper interpretation or enforcement of this Order or any Fire Code adopted hereunder. Only parts of other international 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 remain 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 and to allow for the proper interpretation and enforcement of this Order. Such disregard of the manner of compliance shall not otherwise affect the



requirement to comply; provided however, that if a provision refers to compliance with the term of any such other code that is not incorporated in this Order or the Fire Code by reference, as opposed to compliance in a manner provided in such other code, the requirement of compliance shall be disregarded altogether. If 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.

#### **Section 10. Conflicts**

All orders or resolutions that conflict with the provisions of this Order are hereby repealed and all other orders or resolutions of the District not in conflict with the provisions of this Order remain in full force and effect.

#### **Section 11. Severability**

Should any section, subsection, sentence, clause, or phrase of this Order, for any reason, be held to be illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order or the District's Fire Code. The Board hereby declares that it would have passed this Order and the District's Fire Code, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared illegal, unenforceable, or unconstitutional.

#### **Section 12. Maintenance of Order**

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

#### **Section 13. Notice/Publication**

The District 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.

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**Section 14. Effective Date**

This Order shall be effective the \_\_\_\_ day of October, 2023.

BURNET COUNTY EMERGENCY  
SERVICES DISTRICT NO. 8

BY: \_\_\_\_\_  
James Shamard, President

ATTEST:

BY: \_\_\_\_\_  
Alice Price, Secretary

**Appendix 1**  
**FEES RESOLUTION**

## Appendix 2

### FIRE DEPARTMENT ACCESS

#### 2.1.1 Background.

The District is required to respond to a multitude of emergencies in various types of buildings and occupancies. These buildings may include single-family dwellings, apartment buildings, shopping malls, business complexes, industrial complexes, hospitals, and nursing homes. To provide effective firefighting operations, the District must be able to reach all structures by way of approved access roadways, streets, or driveways.

This directive shall assist developers and designers in meeting the requirements for District access, by defining terms and listing minimum design standards considered necessary for effective firefighting operations.

#### 2.1.2 Administrative Interpretation - Defined terms.

*District access* means an approved route that is always available for use by fire trucks and is designed to meet fire equipment load requirements.

*Public street access* means a District access route on a public right-of-way. Public street access routes must comply with applicable road design standards and also must comply with the Uniform Fire Code.

*Private street access* means a District access route on private land. Private street access routes must comply with the Uniform Fire Code.

*Height.* All District access routes shall have at least 13 feet, six inches of vertical clearance for the entire required width.

*Private driveway* means a driveway designed for the use of occupants of no more than two single-family dwelling units or one two-family dwelling unit.

(a) If an emergency requires evacuation of an area, the public will have an alternative exit route should one route be blocked by the emergency incident.

(b) When two points of access are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. This entrance may be a gated emergency vehicle access only or may be a public use second entrance roadway. If gated, reference page 7, (13) section 503.6 security gates.

#### (c) Commercial and Industrial Developments.

(1) Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access.

(2) Buildings or facilities having a gross building area of more than 62,000 square feet shall have at least two means of fire apparatus access. If the buildings or facilities are provided with an approved automatic fire sprinkler system, the gross building area can be increased to 124,000 square feet with one access road.

**(d) Multifamily Residential Developments.**

Multifamily residential projects having more than 30 dwelling units shall be provided with at least two means of fire apparatus access.

**(e) One- or Two-Family Residential Developments.**

Developments where the number of dwelling units exceeds 20 shall be provided with separate and approved fire apparatus access roads.

**2.1.3 Aerial Apparatus Roadway Width.**

Fire apparatus access roadways shall have a minimum unobstructed width of 25 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

**2.1.4 Maintenance of Access Roads.**

Maintenance of the required access shall be considered during the planning stages and installation of District access roadways, fire hydrants, or connections. This includes the potential growth of trees and/or other vegetation over the years.

**2.1.5 No Parking Signage.**

For access routes and for fire apparatus turnaround areas, vehicle parking is not allowed. “No Parking” signs are required. An approved design shall be in accordance with the Texas Manual on Uniform Traffic Control Devices (TXMUTCD).

## Appendix 3

### FIRE SUPPRESSION WATER STORAGE TANKS

The District is required to respond to a multitude of emergencies in various types of buildings and occupancies. These buildings may include single-family dwellings, apartment buildings, shopping malls, business complexes, industrial complexes, hospitals, and nursing homes. To provide effective firefighting operations, the District must be able to have adequate access to water for fire suppression.

This directive shall assist developers and designers in meeting the requirements for fire suppression water source by defining terms and listing minimum design standards considered necessary for effective firefighting operations. If there is no municipal water supply system or the system cannot provide adequate pressure for fire suppression, then the following is required.

**3.1.1 Tank Materials:** Water tank materials are limited to steel, concrete, coated fabrics, and fiberglass-reinforced plastic tanks.

**3.1.2 Tank Capacity:** Each required water storage tank shall be a minimum of 38,000 gallons.

**3.1.3 Tank Location:** Each required water tank shall be as centrally located to all residences as practicable. Tank shall be clearly marked and accessible by fire apparatus. No parking signs shall be installed on any access drive or road to the tank and in the apparatus access area.

**3.1.4 Tank Pump Minimum:** Have a minimum 500 gallon per minute pump or constructed in such a way that an apparatus can draft a minimum of 500 gallons per minute. All tanks must have at a minimum a five-inch fire outlet with NH fire threads, an internal anti-vortex plate that must sit six inches above the floor of the tank. These tanks also require a valve, cap, and adapter. Additionally, a liquid level gauge, a vent, and an overflow at least two inches larger than the outlet.

**3.1.5 Subdivision Tank Requirements:** Single family dwelling or duplex.

- Less than 10 residences: one tank. May be less than 38,000 gallons if approved by Fire Code Official.
  - 10 to 99 residences: One tank
  - 100 to 199 residences: Two tanks
  - Every 100 residences above 199 require an additional tank.
- Multifamily dwellings: two or more families (i.e. apartment complex)
- Three families to 30 families, one tank
  - One tank per every additional three to 30 family dwelling.

**3.1.6 Maintenance and Upkeep:** It shall be the responsibility of the subdivision to fill and maintain the tank and pump.

**3.1.7 Unacceptable Alternatives:** Wells, cisterns, swimming pools, stock tanks, natural bodies of water or waterways, reservoirs, etc.

## BURNET COUNTY ESD #8

### OUTDOOR BURNING/CONTROLLED BURNS

The Northeast Burnet County Fire/Rescue, Burnet County ESD #8, (“District”) has approved this information sheet. Firefighters are often called to scenes of “Controlled Burns”- fires that have been started in order to dispose of trash or unwanted brush. (No fire is actually “controlled” until it is extinguished.) Often these fires are in violation of State laws, and commonly burn out of control. Grass and brush fires that start as “Controlled Burns” destroy hundreds of thousands of acres in Texas each year, and cause loss of life and millions of dollars in property damage. Personnel that are called to such a fire are exposed to the serious risks incurred when responding to and fighting the fire.

Outdoor burning in Texas is regulated by the **Texas Commission on Environmental Quality (TCEQ)** and the **Texas Health and Safety Code**. The information given on this sheet is based on TCEQ Regulations 30 TAC 111.201, 203, 205, 207, 209, 211, 213, 215, 219, 221, and Texas Health and Safety Code Section 382, Texas Clean Air Act. **If you must burn outdoors, please comply with the following rules and regulations. Failure to do so can result in very expensive fines.**

- 1) The phone number of the TCEQ Regional Office is 412-339-2929. That office can answer questions that you may have or mail out an information sheet or copies of the laws. All burning must be outside incorporated city limits unless ordinances meeting the Texas Clean Air Act have been enacted permitting burning.
- 2) **You must notify the Burnet County Sheriff’s Office in advance of your burn by calling 512-756-8080. Give your name, address, phone number and the location and time that you will be burning. You must call each day that you burn. This number is not for emergencies; to report a fire or other emergency dial 911.**
- 3) Burning hours in the District are from **1 hour AFTER sunrise until 5:00 p.m.** No material may be added to the fire after 5:00 p.m. Burning outside these hours is **Against the Law**.
- 4) You may burn brush, leaves and untreated lumber – **any natural product** generated on the land. You **MAY NOT** burn electrical insulation, treated or painted lumber, plastics, rubber products, shingles, insulation, paints, oils, etc., or **any material brought onto the site**.
- 5) You may not burn on windy days or during dry periods. **Burn only when the wind speed is between 6 to 23 mph.** During dry periods, the Burnet County Commissioners Court often declares “**no burn**” periods during which no outdoor burning is allowed. **For information on burn bans contact Burnet County Commissioners Court, 512-756-5420.**
- 6) Your fire must be three hundred feet from the nearest property that has structure(s) containing sensitive receptors, (a home or building containing people, animals, or vegetation) unless you have permission of the owner. If your fire or smoke is in any way responsible for a health problem for another person, you are responsible, by law, for any cost required to treat that problem.
- 7) The immediate area around and above the burn site should be free of debris, brush, overhanging limbs, and other combustibles. **You should have a shovel and rake nearby and a hose attached to a reliable water source. The fire must be tended at all times**

**until it is completely extinguished, and all fires must be completely extinguished by one hour before sunset (no visible flames, glowing coals, or smoke).**

- 8) A good way to keep the size of your fire under control is to **add material to the fire as it burns** rather than stacking up a huge pile of material and setting it ablaze.
- 9) Your smoke must not obstruct a road, or adversely affect any public road, or landing site, vegetation, or property. Smoke particles from wood ash, when combined with moisture, may form lye (caustic soda), which can destroy painted surfaces and kill plants. Cinders that land on damp surfaces (e.g. house siding, cars, landscape plants) can cause expensive damage.
- 10) **Texas law holds the outdoor burner responsible for ANY damage that results from his fire, whether the outdoor burner is in compliance with these regulations or not.**
- 11) TCEQ Regulations give local fire departments the discretion to determine whether a fire follows State law, and to determine if a fire poses any threat to health and safety. Violators may be fined up to \$25,000 per day per violation, and the TCEQ is aggressive in enforcement of these laws. All fire departments in Burnet County report uncooperative violators. A fire department may be entitled to one half of any civil penalties assessed against a violator.
- 12) Once called to a scene, the District **will not share** in the liability of an outdoor burn, and it is District policy to extinguish nearly all fires for which it has received a complaint, even if TCEQ regulations are being met. If the District does not extinguish a fire, that **shall not** be construed as an endorsement of the outdoor burner's activity.
- 13) There are alternatives to outdoor burning. Marble Falls and Austin have trash-hauling services that can remove up to forty cubic yards of material per trip. Various sizes of mulchers and chippers can be rented that convert brush into valuable mulch for the garden or erosion-prone areas.
- 14) **The District can charge** for being called to an address of an outdoor burn in noncompliance. At the District's discretion, the responsible party may be billed for the actual cost of fighting the fire. Costs for brush fires can easily reach thousands of dollars, so **burn with care.**

**IF YOU MUST BURN OUTDOORS, FOLLOW THESE RULES AND HAVE A SAFE, CONTROLLED BURN!**

**FOR ADDITIONAL INFORMATION YOU MAY CONTACT:**

Texas Commission on Environmental Quality  
Austin Regional Office  
1921 Cedar Bend St., Ste. 150  
Austin, Texas 78757-0536  
(512) 339-2929  
FAX: (512) 339-3795



**CERTIFICATE FOR ORDER**

STATE OF TEXAS           §  
  §  
COUNTY OF BURNET       §

The undersigned officer of the Board of Commissioners (“Board”) of Burnet County Emergency Services District No. 8 hereby certifies as follows:

1. The Board of Burnet County Emergency Services District No. 8 (“District”) convened in regular session on the \_\_\_ day of October 2023, at 29111 FM 963, Oakalla, Texas, and the following officers and members of the Board:

- James Shamard           -     President
- Barker Keith            -     Vice President
- Alice Price              -     Secretary
- Ned Ewart               -     Treasurer
- William Eide            -     Commissioner

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

**ORDER ADOPTING 2018 INTERNATIONAL FIRE CODE**

was introduced for the consideration of the Board. It was then moved and seconded that the Order Adopting 2018 International 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 the \_\_\_\_ day of October 2023.

(SEAL)

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Alice Price, Secretary  
Board of Commissioners

STATE OF TEXAS           §  
  §  
COUNTY OF BURNET       §

This instrument was acknowledged before me on October \_\_\_\_, 2023, by Alice Price, Secretary of the Board of Commissioners of Burnet County Emergency Services District No. 8, on behalf of the District.

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Notary Public Signature

(SEAL)