



# *Montgomery County Fire Code*

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*\*\*Montgomery County has only adopted certain chapters of the International Building Code. Please refer to 102.4 Application of building code for chapters and sections that have been adopted.\*\**

## CHAPTER 1

### SCOPE AND ADMINISTRATION

#### PART 1—GENERAL PROVISIONS

##### SECTION 101

##### SCOPE AND GENERAL REQUIREMENTS

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

**101.1.1 Occupancy prohibited before approval.** No building or structure subject to this code shall be occupied prior to:

1. Receipt by the County Fire Code Official of a request for final inspection from the permit Holder as submitted on a form provided by the Fire Marshal Office, and
2. Issuance of a Certificate of Compliance by the Fire Marshal’s Office that indicates that applicable provisions of this code have been met.

**101.2 Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.
6. New construction, substantial improvements, alterations, relocations, enlargement, replacement, repair, equipment, use and occupancy, location, of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. One-and-two-family dwellings,
2. A multifamily residential dwelling consisting of four or less units.
3. Industrial facilities having a fire brigade that conforms to requirements of the Occupational Safety and Health Administration 1910 and receives exemption by Montgomery County.

**101.2.1 Appendices.** Appendices B, C, D, H, I, J, and L are adopted as part of the Montgomery County Fire Code.

**101.3 Intent.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**101.5 Validity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

**101.6 Abrogation and greater restrictions.** This Code is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions.

## SECTION 102 APPLICABILITY

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

**102.2 Administrative, operational and maintenance provisions.** The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

**102.3 Substantial Improvement.** A substantial improvement shall not be made unless the building and/or structure is made to comply with new construction requirements of the Montgomery County Fire Code.

**102.3.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification or use of a building or structure or portion thereof shall be made, until a fire code inspection has been completed as approved and the Fire Marshal's Office has issued a certificate of compliance as provided herein. Issuance of a certificate of compliance shall not be construed as an approval of a violation of the provisions of this code or of other regulations, ordinances, or court orders of Montgomery County.

**102.3.2 Application of building code.** The design and construction of new structures shall comply with Chapters 2-10, 30, 35, and Sections 1405, 1505, 1705.14 through 1705.18, 2403, 2406 through 2409, 3101 through 3105, 3110, 3111, 3301, 3302, 3306, 3307, 3309 through 3314 and Appendix C of the *International Building Code*, and any *alterations*, additions, substantial improvements, changes in occupancy, use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.5 Subjects not regulated by this code.** Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. 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.

**102.6 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the *fire code official*.

**102.7 Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.8 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**PART 2—ADMINISTRATIVE PROVISIONS**  
**SECTION 103**

**DEPARTMENT OF FIRE CODE ADMINISTRATION AND ENFORCEMENT**

**103.1 General.** The Fire Marshal or *Fire Code Official* means the individual appointed by Commissioner’s Court and all employees designated by the Fire Marshal to administer the provision of this code to include the review of submitted construction plans and documents for compliance with this adopted code and the issuance of the required permits and final Certificates of Compliance.

The *fire code official* shall be the person appointed by Commissioners Court as the County Fire Marshal or the employee(s) designated by the County Fire Marshal to perform a task required by this code. The Fire Marshal shall have enforcement authority for this code and shall conduct all required inspections for compliance with this code.

**103.2 Fire Code Official.** Fire Code Official shall have the authority to appoint deputies, other related technical officers, inspectors and other employees.

**103.2.1 Fire Marshal.** Fire Marshal shall have the authority to appoint a Building Official, other related technical officers, and other employees.

**103.3 Liability.** The *fire code official*, Fire Marshal, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

**103.3.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The *fire code official*, Fire Marshal, or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of Montgomery County, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

**104.1 General.** The *fire code official* is hereby authorized to administrate and enforce the provisions of this code. The *fire code official* shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

**104.1.1 Authority of the Fire Marshal and the Fire Marshal's Office.** It shall be the duty of the Fire Marshal or designee to protect the safety and property of residents from fire hazards, through the issuance of Fire Marshal Orders, Notices of Violations, and Citations as required to achieve compliance with the fire and building codes.

**104.2 Applications and permits.** The Fire Marshal is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code. The *fire code official* is authorized to inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

**104.3.1 Warrant.** Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

**104.4 Technical assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the Fire Marshal and *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* are authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**104.5 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided that the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the *fire code official*.



**104.6 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be approved 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not approved, the *fire code official* shall respond in writing, stating the reasons why the alternative was not approved.

**104.7.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**104.7.2 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Fire Marshal and *fire code official* shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Fire Marshal and *fire code official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the Fire Marshal and *fire code official* for the period required for retention of public records.

## SECTION 105

### PERMITS

**105.1 General.** Permits shall be in accordance with Sections 105.1.1 through 105.7.25.

**105.1.1 Permits required.** A property owner or owner's authorized agent who intends to conduct an operation or business, or construct, substantially improve, enlarge, alter, repair, move, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the Fire Marshal and obtain the required permit.

**105.1.2 Types of permits.**

Fire Code permit. A construction permit allows the applicant to construct, substantially improve, enlarge, alter, repair, move, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace the installation of which is regulated by this code, or to cause any such work to be performed, or install or modify systems and equipment for which a permit is required.

**105.1.3 Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Fire Marshal.

**105.1.4 Fire Protection Repairs.** The Fire Marshal shall be notified in accordance with State rules of any repairs or impairments to any fire protection systems.

**105.2 Working without a permit.** Work requiring a permit shall not commence until the required permit is posted in a conspicuous location and approved plans are available on the premises designated therein. Where work is commenced prior to obtaining said permit, the fees may be increased as determined by the fee schedule adopted by Commissioners Court. Payment of the increased fee shall not relieve any person from fully complying with the requirements to obtain a permit nor of any other penalties herein.

**105.2.1 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to issuing a permit and the *fire code official* conducting associated inspections indicating the applicable provisions of this code have been met.

**105.2.2 Conditional Certificate of Compliance.** Where permits are issued and on the request of a permit applicant, the *fire code official* is authorized to issue a conditional certificate of compliance to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *fire code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional certificate of compliance shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

**105.2.3 Compliance with code.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other regulation or ordinance of Montgomery County. Permits presuming to give authority to violate or cancel the provisions of this code or other regulation or ordinances of Montgomery County shall not be valid. The issuance of a permit based on *construction documents* and other data shall not prevent the *fire code official* from requiring the correction of errors in the *construction documents* and other data. Any addition to or alteration of *approved construction documents* shall be *approved* in advance by the Fire Marshal, as evidenced by the issuance of a new or amended permit.

**105.2.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other regulation or ordinances of Montgomery County. Permits presuming to give authority to violate or cancel the provisions of this code or other regulation or ordinances of Montgomery County shall not be valid. The issuance of a permit based on *construction documents*, operational documents and other data shall not prevent the *fire code official* from

requiring correction of errors in the documents or other data.

**105.3 Construction documents.** *Construction documents* shall be in accordance with Sections 105.4.1 through 105.4.6.

**105.3.1 Submittals.** *Construction documents* and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Marshal.

**105.3.1.1 Examination of documents.** The Fire Marshal shall examine or cause to be examined the accompanying *construction documents* and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

**105.3.2 Information on construction documents.** *Construction documents* shall be drawn to scale or dimensioned, and on suitable material. Electronic media documents are preferred. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official* and Fire Marshal.

**105.3.2.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the *construction documents*, and shall be *approved* prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**105.3.3 Applicant responsibility.** It shall be the responsibility of the applicant to ensure that the *construction documents* include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

**105.3.4 Approved documents.** *Construction documents approved* by the Fire Marshal are *approved* with the intent that such *construction documents* comply in all respects with this code. Review and approval by the Fire Marshal shall not relieve the applicant of the responsibility of compliance with this code.

**105.3.4.1 Phased approval.** The Fire Marshal is authorized to issue a permit for the construction of part of a structure, system or operation before the *construction documents* for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

**105.4.5 Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

**105.5 Revocation.** The *fire code official* or Fire Marshal is authorized to revoke a permit issued under the provisions of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or *construction documents* on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

**SECTION 106  
FEES**

**106.1 Fees.** A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**106.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule as established by Montgomery County Commissioners Court.

**106.3 Work commencing 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 established by the Montgomery County Commissioners Court, which shall be in addition to the required permit fees.

**106.4 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

## SECTION 107 INSPECTIONS

**107.1 Inspection authority.** The *fire code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

**107.2 Inspections.** The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the governing body.

**107.2.1 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the *Fire Marshal's Office* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**107.2.2 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *fire code official*, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *fire code official*.

**107.3 Concealed work.** It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the *fire code official* nor Montgomery County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**107.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other regulations or ordinances of Montgomery County. Inspections presuming to give authority to violate or cancel provisions of this code or of other regulation or ordinances of Montgomery County shall not be valid.

## SECTION 108 MAINTENANCE

**108.1 Maintenance of safeguards.** Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

**108.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

**108.2.1 Re-inspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

**108.3 Recordkeeping.** A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 5 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* on request. The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is authorized to require that certain required records be filed with the *fire code official*.

**108.4 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

**108.5 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with ready access and shall not be rendered inoperative, except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

**108.6 Overcrowding.** Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, on finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected or require removal of occupants at a location when actual occupancy exceeds the permitted or posted occupant load. A person commits an offense if he refuses to obey an order to vacate.

## SECTION 109 VIOLATIONS

**109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. No work shall be commenced on any fire protection system at a new construction site or an existing structure, other than maintenance work, without a permit being issued or by approval to begin work by the Fire Code Official or Fire Marshal. Both the individual contractor, along with the site general contractor will be held liable for such actions. Where work is commenced prior to obtaining said permit, the fees may be increased as determined by the fee schedule adopted by Commissioners Court. Payment of the increased fee shall not relieve any person from fully complying with the requirements to obtain a permit nor of any other penalties herein.

**109.2 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the *owner* or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

**109.3 Notice of violation, Fire Marshal Order, or citation.** Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation, Fire Marshal's order, describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for re-inspection.

**109.3.1 Service.** A notice of violation issued pursuant to this code shall be served on the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the owner's authorized agent, or occupant.

**109.3.2 Compliance with orders and notices.** A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains. In cases of extreme danger to persons or property, immediate compliance is required. If the building or other premises is not owner occupied, under lease, or otherwise, and the order or notice requires additions or changes in the building or premises which would immediately become real estate and be the property of the owner of the building or premises, such orders or notices shall be complied with by the owner unless the owner and the occupant have agreed otherwise at which event the occupant shall comply.

**109.3.3 Prosecution of violations.** If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of Montgomery County to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

**109.3.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *fire code official* or Fire Marshal shall not be mutilated, destroyed or tampered with, or removed, without authorization from the issuer.

**109.4 Abatement of violation.** In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

## **SECTION 110 UNSAFE BUILDINGS**

**110.1 General.** If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the *fire code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the Fire Marshal for any repairs, *alterations*, remodeling, removing or demolition required.

**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

**110.1.2 Structural hazards.** Where an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the *fire code official* shall immediately notify the building code official in accordance with Section 109.1.

**110.2 Evacuation.** The *fire code official* or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe where such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *fire code official* or the fire department official in charge of the incident.

**110.3 Abatement.** The *owner*, the *owner's* authorized agent, operator or occupant of a building or premises deemed unsafe by the *fire code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.



# **EXHIBIT A**

## **ADDITIONS, INSERTIONS, DELETION AND CHANGES TO THE ADOPTED INTERNATIONAL FIRE CODE and INTERNATIONAL BUILDING CODE - 2018 EDITION AS APPROVED BY MONTGOMERY COUNTY.**

### **CHAPTER 1 SCOPE AND ADMINISTRATION**

**CHAPTER 1** is deleted in its entirety and is replaced by Chapter 1 of the Montgomery County Fire Code as adopted by Montgomery County and to which this Exhibit is attached is substituted in its place. Notwithstanding any other provision of the Montgomery County Fire Code which might otherwise be interpreted to the contrary, the Montgomery County Fire Code shall not be construed as requiring any license or permit not specifically required by Chapter 1 unless required by other applicable law.

## CHAPTER 2 DEFINITIONS

**SECTION 202** is amended to include the following revised or additional definitions:

**ADULT CARE FACILITY.** See Institutional I-2 occupancy definition.

**AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less-than-24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

Dialysis centers  
Sedation dentistry  
Surgery centers  
Colonic centers  
Psychiatric centers

**FOSTER GROUP HOME.** A child-care facility that provides care for 7 to 12 children for 24 hours a day.

**FOSTER HOME.** A child-care facility that provides care for not more than six children for 24 hours a day.

**GROUP HOME.** A residential board and care facility with at least four and no more than sixteen clients for social rehabilitation, substance abuse or mental health problems containing a group housing arrangement that provides custodial care but does not provide acute care.

**Institutional Group I-1.** Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following:

Residential Board and Care – Large A

Four to sixteen persons receiving care. A facility such as the above, housing at least four and not more than sixteen persons receiving such care, shall be classified as a Residential Board and Care - Small.

**Institutional Group I-2.** Institutional Group I-2 occupancy shall include buildings and structures used for Medical care on a 24-hour basis for more than five persons who are not capable of self-preservation, and not otherwise classified as a Residential Board and Care - Small, This group shall include, but not be limited to, the following:

Residential Board and Care – Large B

Four to sixteen persons receiving care. A facility such as the above, housing at least four and not more than sixteen persons receiving such care, shall be classified as a Residential Board and Care - Small.

**START OF CONSTRUCTION.** Construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:

1. The first materials are added to the original property;
2. Foundation pilings are installed on the original property;
3. A manufactured building or relocated structure is placed on a foundation on the original property.

**CHAPTER 5  
FIRE SERVICE FEATURES**

**SECTION 510** is amended to read as follows:

**SECTION 510 – 2018 IFC**

**EMERGENCY RESPONDER RADIO COVERAGE**

**510.1 Emergency responder radio coverage in buildings.** Buildings subject to the Montgomery County Fire Code shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. Coverage shall include the Montgomery County Radio System (TxWARN). The frequency range to be supported is 700-800 MHz (FDMA and TDMA)). Any building or structure that fails to support adequate radio coverage must be brought into compliance. The owner shall immediately contact the Montgomery County Fire Marshal's Office to report the system failure. This section shall not require improvement of the existing public safety communication systems.

**510.1.1 Emergency responder radio coverage compliance.** All new installation must comply with Montgomery County standards and guidelines. ERRC guidelines are available upon request from the Fire Marshal's Office.

## CHAPTER 9 FIRE PROTECTION SYSTEMS

**903.4.2 Alarms.** An approved audible device, located on the exterior of the building in an *approved* location, shall be connected to each *automatic sprinkler system*. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system, meet the requirements of 903.4.2.1. For buildings without a required fire alarm system, a sprinkler monitoring system meeting the requirements of 903.4.2.1 shall be provided.

**903.4.2.1. Occupancy notification.** Provide occupant notification in accordance with Section 907.5 in all areas under the protection of the automatic sprinkler system.

**903.7 Required minimum safety pressure.** An automatic fire sprinkler system shall be required a minimum hydraulically calculated safety pressure of ten (10) psi or greater, unless approved by the Fire Code Official.

**907.2 Where required—new buildings and structures.** An *approved* fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

All manual, automatic or manual and automatic fire alarm systems shall also include smoke detectors in each mechanical equipment, electrical, transformer, telephone equipment, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, elevator lobbies, and other areas determined to be a special hazard by the County Fire Marshal.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of the fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

**CHAPTER 32**  
**HIGH PILED COMBUSTIBLE STORAGE**

**SECTION 3201** is amended by the addition of Section 3201.5, to read as follows:

**SECTION 3201.5 Required Specialized Engineered Plans.** All high piled storage facilities shall be designed with the assistance of an engineer specializing in fire protection, licensed in the State of Texas.

**CHAPTER 50  
HAZARDOUS MATERIALS – GENERAL PROVISIONS**

**5001.7 is amended by the addition of Section 5001.7, to read as follows:**

**SECTION 5001.7 REQUIRED SPECIALIZED ENGINEERED PLANS.** All Group H occupancies shall be designed with the assistance of an engineer specializing in fire protection, licensed in the State of Texas.

## CHAPTER 56 EXPLOSIVES AND FIREWORKS

**5609.1.1 Applicability.** This Section 5609 provides standards for the design and construction of buildings in which Fireworks 1.4G are to be stored, sold, or displayed. Such design and construction shall comply with this section and the Texas Fireworks Rules, current edition, as promulgated by the Texas Fire Marshal's Office.

**5609.1.2 Compliance with Fire Code.** All structures used for the storage or sale of consumer fireworks 1.4G shall comply with the applicable provisions of the Montgomery County Fire Code for new structures, and with applicable sections of this sub-section.

**5609.1.3 Fire Code Permit and Inspections.** Any structure that is erected, occupied, or moved into or within the jurisdiction is considered new construction and requires a Fire Code permit and an inspection to ensure compliance with the adopted code.

**5609.3 Conflict between provisions.** If there is a conflict between the provisions of this section and the Fireworks Rules, the more stringent of the provisions shall apply.

**5609.3.1 Limit of authority.** This section does not limit the authority of the County Fire Marshal to inspect any retail site location or storage facility to require additional fire protection measures.

**5609.4 Requirements for all retail sales, displays, and storage sites and facilities.** All Fireworks 1.4G retail sales sites, storage buildings, and control areas, including temporary storage facilities such as trailers, semi-trailers, or metal shipping containers must conform to the minimum standards of this section.

**5609.4.2 Residential Storage.** Fireworks 1.4G retail storage buildings shall not be used for residential occupancies. Use of a residential building for the storage of fireworks in excess of 125 pounds of pyrotechnic material shall be considered a change in occupancy.

**5609.4.3 Maximum allowable quantity.** No more than 125 pounds of pyrotechnic material may be stored and/or displayed in any control area. In the absence of documentation approved by the fire code official, 25 percent of the gross weight of the fireworks, including all packaging, will be used to determine the 125 pound limitation.

**Exception:**

1. The maximum allowable quantities can be increased 100 percent if the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.
2. The maximum allowable quantities may be greater than allowed by this section, subject to approval by the County Fire Marshal, if the building meets all requirements for a Group H-3 occupancy and Section 5609.4.

The aggregate quantity in use and storage shall not exceed the quantity listed for storage in the Application for Permit.

**5609.5 Specific requirements for retail fireworks sites other than stands.** All indoor retail fireworks sites and storage facilities, other than stands, shall comply with the requirements of this section.

**5609.5.1 Building Design.** The retail fireworks sales building shall be a free standing, durable structure with no basement, and only one story.



**5609.5.2 Multi-use building prohibited.** The fireworks sales area shall not be part of a multi-use or multi-tenant building, except that office areas and restrooms ancillary to the building are allowed if:

1. Offices and related spaces are separated from fireworks storage or sales areas by fire barriers having a fire resistance rating of not less than 1 hour; and
2. Window openings in the fire barrier wall are protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 3/4 hour, and installed in accordance with NFPA 80, Standard for Fire Doors and Fire Windows.

**5609.5.4 Application, Plans, Approval, Permits.** All newly constructed firework retail sites other than stands shall comply with the adopted Montgomery County Fire Code Regulation and all processes shall be followed for plan submittal, approval, permitting, and inspection.

**5609.5.5 Emergency response plan.** The operator of each indoor retail sales site or storage facility shall prepare a written emergency response plan in accordance with Chapter 4 of this Code. The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility.

**5609.5.6 Maximum occupant load.** The approved maximum occupant load shall be conspicuously posted near the main entrance using a format approved by the fire code official. Records of occupant load will be maintained onsite and available for inspection by the fire code official.

**5609.5.7 Means of Egress.** All means of egress in consumer fireworks retail sales facilities, other than stands, shall comply with the applicable requirements of this section.

**5609.5.7.1 Minimum number of exits.** The minimum number of exits provided from the retail sales area shall be not less than three, or more as determined in accordance with this Code.

**5609.5.7.2 Maximum travel distance.** Exits provided for the retail sales area of consumer fireworks retail sales facilities, other than stands, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed 75 ft.

**5609.7.5 Egress door swing.** Unless approved by the County Fire Marshal, all egress doors shall be of the side-hinge swinging type and shall be arranged to swing in the direction of egress travel.

**5609.7.6 Panic Hardware.** Every egress door that has a latching device shall be provided with approved panic hardware.

**5609.7.7 Roll-up, or lift doors.** Roll-up or lift doors may be used as egress doors when there is a readily distinguishable device that secures each door in the open position whenever the building is occupied.

**5609.5.9 Fire protection.**

**5609.5.9.1 Fire Extinguishers.** Portable fire extinguishers shall be specified as required for extra (high) hazard occupancy in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

**5609.5.9.1.1 Number and Placement.** Every indoor retail sales building shall have not less than two portable fire extinguishers with a minimum 2A rating. At least one approved Class A fire extinguisher shall be provided for each 1,000 square feet of floor space, not to exceed 75 ft. travel distance.

**5609.5.9.2 Fire alarm system.** A fire alarm system, installed in accordance with NFPA 72, shall be required in all consumer fireworks retail sales facilities.

**5609.5.9.3 Automatic fire sprinklers.** An automatic sprinkler system shall be required in all consumer fireworks retail sales facilities. Facilities over than 5,000 sq. ft. in area

**5609.5.10 Other codes, standards, and laws.** Unless specifically outlined in this chapter, all retail fireworks sites shall comply with the other applicable chapters of this code, the Texas Occupations Code 2154, Texas Local Government Code 352, and the Texas Fireworks Rules.

**CHAPTER 80**  
**REFERENCE STANDARDS**

**CHAPTER 80 is amended to read as follows:**

The opening paragraph to CHAPTER 80 is amended as follows:

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, effective date and title, and the section or sections of this document that reference the standard. If the State of Texas has adopted any of the listed standards, the more stringent and/or more current standard of the provisions shall apply.

**CHAPTER 80** is amended to include the following reference standards:

NFPA 101® Life Safety Code®— Current State adopted edition