

CC: 06. 09. 2025  
Item # 12.a

WILSON COUNTY

ORDER NO. \_\_\_\_\_

STATE OF TEXAS §

§

COUNTY OF WILSON §

**AN ORDER ADOPTING THE 2021 INTERNATIONAL FIRE CODE AND APPENDECIES; PROVIDING FOR FEES TO BE PAYABLE FOR PERMITS, APPROVALS AND INSPECTIONS; REQUIRING A PERMIT OR APPROVAL FOR CERTAIN USES AND ACTIVITIES; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; PROVIDING FOR ADMINISTRATION OF THE FIRE CODE AND AUTHORIZING THE FIRE CHIEF, FIRE MARSHAL, AND DESIGNEES TO ADMINISTER AND ENFORCE THE CODE; AUTHORIZING ENTRY ONTO PROPERTY TO CONDUCT INSPECTIONS; AUTHORIZING STOP WORK ORDERS FOR WORK PERFORMED IN VIOLATION OF THE FIRE CODE; PROVIDING FOR APPOINTMENT OF AN APPELLATE BODY AND FOR APPEALS FROM DECISIONS OF THE FIRE CHIEF/ FIRE MARSHAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Commissioners of the County are authorized, pursuant to Texas Health and Safety Code, Section 775.036 to adopt and enforce a Fire Code;

**WHEREAS**, the Commissioners of the County desire to adopt a Fire Code and to provide for enforcement, in order to protect the health and safety of those persons residing within the territory of the County, and in furtherance of preventing fires and medical emergencies.

It is, therefore, **ORDAINED, RESOLVED AND ORDERED** that:

**SECTION 1. ADOPTION OF CODE**

The following are hereby adopted as the Fire Code of Wilson County in the State of Texas, except within the corporate limits of any municipality located in the territory of the County that has adopted a fire code, regulating and governing 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; providing for the issuance of permits and collection of fees therefor; and each of all of the regulations, provisions, penalties; conditions and terms of said Fire Code on file in the office of the Wilson County 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 2021 International Fire Code (the "IFC"), appendices B thru N, and Index

Promulgated by the International Code Council, Inc.

## **SECTION 2. ADMINISTRATION**

- a) The Fire Chief/Fire Marshal, together with such assistants and agents of the County as the Fire Chief/Fire Marshal may designate, are authorized to enforce this Fire Code, and to take all actions required or authorized in provisions incorporated in this Fire Code by reference, and to conduct all inspections, review all plans, and accept all applications for a permit or approval authorized or required by this Fire Code.
- b) The Fire Chief/Fire Marshal, or their designees shall submit monthly activity reports to the Commissioners of the County, or their designated representative, currently, the Wilson County Development Department, covering inspection, review and enforcement activities conducted during the prior month. The Fire Chief/Fire Marshal shall keep an accurate account of all fees, fines and other funds collected and received pursuant to this Fire Code, the names of 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 Fire Code shall be maintained in the designated office, currently, the Wilson County Development Department, a period of not less than three years following the date such document was submitted to the County or prepared by the County, as applicable or as otherwise required by applicable law, including the Texas Records Retention Act and related schedules adopted by the County.

## **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 Chief/Fire Marshal has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of this Order, the Fire Chief/ Fire Marshal, or his/ her designated agents of the County may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed on the Fire Chief/ Fire Marshal 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 County 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 Chief/ Fire Marshal shall have recourse to every remedy provided by law or equity 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 104, to promptly permit entry therein by the Fire Chief/ Fire Marshal or the authorized agent of the Fire Chief/ Fire Marshal for the purpose of inspection and examination pursuant to this Order. The County, the Fire Chief/ Fire Marshal, or his/her designees may take any action, at law or in equity, available under the Fire Code of the County to enforce this section and any other applicable section as set forth herein or as otherwise allowed under any applicable statute, law, rule, ordinance, or regulation.

#### **SECTION 4. IDENTIFICATION OF COUNTY, COMMISSIONERS, AND APPELLATE BODY**

- a) Whenever the terms "jurisdiction", "authority having jurisdiction", "department", or "bureau of fire prevention" are used in the IFC, same will be a reference to the County. All regulatory authority established by the provisions of the IFC incorporated in this Order is established for the County.
- b) Any reference in the provisions of the IFC incorporated in this Order to the "executive body" shall
- c) be a reference to the Commissioners' Court of Wilson County.
- d) Any reference in the provision of the IFC incorporated in this Ordinance to the "board of appeals" or other appellate body established by the IFC, shall be reference to the appellate body as outlined in Section 5.

#### **SECTION 5. APPEALS**

- a) The Commissioners of the County shall appoint three residents or owners of businesses in the territory of the County to serve as members of an appellate body to hear and decide the complaint of any person aggrieved by a decision of the Fire Chief/ Fire Marshal or his/her designee, regarding any request for a permit or approval, any decision to stop work, or stop use, and any decision to abate, repair, rehabilitate, demolish, or remove an unsafe structure or premises. The three members of the appeal panel shall constitute a quorum, and in modifying an order of the Fire Chief/Fire Marshal or his/her designee, the affirmative vote of the three members shall be required. Any Commissioner may serve as a member of such appellate body. Members of the appellate body shall serve for a period of two years or until their successor is appointed.
- b) An appellate panel of three members of the appellate body shall hear the timely appeal of any decision of the Fire Chief/ Fire Marshal or other authorized official. A request to appeal such a decision shall be submitted in writing addressed to the County Judge of the Commissioners' Court and forwarded to the Wilson County Development Department not more than 30 days after the date of the decision or action that is the subject of the appeal. A request to appeal shall include the mailing address of the appellant for the purpose of receiving notice of a hearing on the appeal. A notice of appeal shall not stay the decision or action from which the appeal is taken.
- c) The Commissioners shall appoint an appellate panel to hear an appeal at its next regularly scheduled meeting held not less than 5 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 Commissioners at which the appellate panel is appointed to hear the appeal. If no meeting of the Commissioners occurs during the period of time after a request for appeal is submitted as required by this subsection, the Wilson County Judge shall appoint an appeal panel to hear the appeal and shall schedule such appeal hearing. An appointment of an appellate panel may include alternate appointments in the event that one or more appointees are unable to serve at the place and time scheduled for the appeal hearing.

- d) Except as provided in subsection (g), the Commissioners, or the Wilson County Judge, as applicable, shall serve written notice of the date, time, and place of the appeal hearing not less than ten (10) days prior to the date of the hearing.
- e) An appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Chief/ Fire Marshal or his/her designee shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses. The appellate panel shall make all determinations regarding the admissibility of evidence and credibility of witnesses, and may make reasonable rulings regarding the conduct of the hearing and the manner that evidence is presented. The appellate panel may be assisted by legal counsel for the County in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.
- f) The appeal panel may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the appeal panel shall be the decision of the appeal panel. The panel may reverse a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust; or (II) special circumstances make strict application of the rule that is the basis of the original decision impractical and the reversal of the decision is in conformity with the intent and purpose of this Ordinance; 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 requirements of this Fire Code.
- g) If the Fire Chief/Fire Marshal 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 Chief/ Fire Marshal or his/her designee may require the demolition or removal of such structure not later than ten days following the date notice of such order is served on the owner of the affected property. Such owner may request an emergency appeal of such decision in writing delivered to the Wilson County Development Department at any time prior to the expiration of such ten-day period. In such event, the Wilson County Judge is authorized to appoint an appellate panel and schedule a hearing of such appeal as soon as practicable and serve notice of the time, date and place of such appeal on such owner not less than two days prior to the date of the hearing of such appeal.

## **SECTION 6. PERMITS AND FEES**

The fees applicable for permits, approvals, and inspections shall be established from time to time by the Commissioners' Court of Wilson County Texas, in resolution therefore. The County may require an owner or agent who applies with the County for any permits, approvals, or inspections to pay any additional costs related to any reviews of said permits, approvals, or inspections by third parties or otherwise.

### **Building and System Permits Required**

- a) No person may perform or authorize construction or Substantial Improvement of any Building, Use, or Occupancy, Recreational Vehicle Park, lodging or multi-family building in Wilson County without first obtaining a Development Permit.
- b) Any Substantial Improvement to or construction of a Building, Use, or Occupancy in Wilson County must be made in accordance with the 2021 Fire Code and this Order.
- c) No person may perform or authorize any improvements to a Building, Use, or Occupancy,

Recreational Vehicle Park, lodging or multi-family building in Wilson County to comply with the requirements of Chapter 11 of the 2021 edition of the International Fire Code, entitled "Construction Requirements for Existing Buildings," without first obtaining a Development Permit.

- d) Applicant must obtain a System permit for each required System.

#### **SECTION 7. PENALTIES**

Persons who shall violate a provision of this Order or the Fire Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under provisions of this fire code shall be guilty of a Class C Misdemeanor, as defined by in the Texas Penal Code 12.23, with a penalty not to exceed \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The County shall be entitled to bring 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 \$500.00 per day that a violation of this code continues. The County reserves and may utilize any cause or remedy at law or in equity.

#### **SECTION 8. CONFLICTS**

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

#### **SECTION 9. MAINTENANCE OF FIRE CODE**

A copy of this Fire Code together with all provisions incorporated herein shall be maintained at the Wilson County Clerk's Office for inspection and use by interested persons. The County shall inform any person inquiring where copies of the IFC and other provisions incorporated in this Fire Code may be purchased from the publisher thereof.

#### **SECTION 10. SEVERABILITY**

It is the intention of the Wilson County Commissioners' Court that all provisions set forth or incorporated in this Fire Code shall be fully severable. In the event that any provision of this Fire Code or any provision incorporated in this Fire Code by reference is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Fire Code, and all other provisions of this Fire Code shall remain in full force and effect.

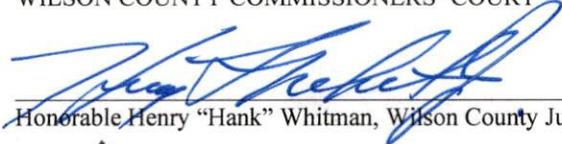
#### **SECTION 11. NOTICE/PUBLICATION**

The Fire Chief/ Fire Marshall shall arrange for any notice or publication of this Fire Code required by applicable law, if any, and maintain proof thereof in the records of the County.

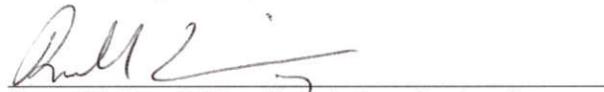
#### **SECTION 12. EFFECTIVE DATE**

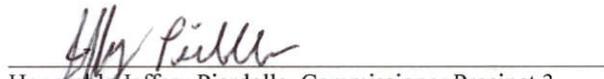
ORDAINED, APPROVED, ISSUED. AND ADOPTED on this 9 of JUNE, 2025  
to be effective as of 6-9-, 2025.

WILSON COUNTY COMMISSIONERS' COURT

  
Honorable Henry "Hank" Whitman, Wilson County Judge

  
Honorable Gary Martin, Commissioner Precinct 1

  
Honorable Russell King, Commissioner Precinct 2

  
Honorable Jeffery Pierdolla, Commissioner Precinct 3

  
Honorable John "Scott" Akin, Commissioner Precinct 4

  
Honorable Genevieve Martinez, Wilson County Clerk

