Williamson County Emergency Services District #3
Hutto Fire Rescue
501 Exchange Boulevard, P.O. Box 175
Hutto, TX 78634

Requesting a Fire Code Appeal

The following outlines the process for presenting an appeal concerning an equivalent life safety and/or fire protection alternative method or modification to the requirements of the Williamson County Emergency Services District #3 adopted Fire Code.

Introduction

Section 111 of the *International Fire Code – 2024 edition*, the adopted Fire Code for Williamson County Emergency Services District #3, provides that appeals regarding Fire Department decisions or actions pertaining to the application and interpretation of the Fire Code shall be addressed to the Fire Code Official. If the appealing party is not able to resolve the problem with the Fire Code Official, then he or she may submit a written request using the *"Fire Code Appeal"* form for a review as outlined below.

Steps to Appeal

Five (5) levels of appeal are available for an equivalent life safety and/or fire protection alternative method or modification to a Fire Code requirement. Each step must be followed before advancing to the next level. The Appellant shall try to remedy differences regarding Fire Code regulations at the lowest level possible before advancing to the next level. ***Appeals will not be heard unless this process is followed.*** The levels in their order of appeal are:

- Level 1 - Fire Marshal
- Level 2 – Fire Chief
- Level 3 – Fire Code Appeals Board
- Level 4 – Williamson County Emergency Services District #3 Board of Commissioners
- Level 5 – Judicial System

Level 1 – Fire Marshal

The Applicant should explore resolution of the compliance issues with the Fire Marshal by presenting an equivalent life safety and/or fire protection alternative method or modification to the disputed requirement of the Fire Code.

Level 2 – Fire Chief

If the Appellant and the Fire Inspector fail to come to an agreement regarding an equivalent life safety and/or fire protection alternative method or modification to the requirements of the Fire Code, then the Appellant can move to this level. This level involves a written request for review.

(1) *Written request for review:* The Applicant will submit the written request using the "*Fire Code Appeal"* form for a Level 2 - Fire Chief review not more than 30 days after the date the Applicant and Fire Inspector do not reach an agreement on the Applicant's particular compliance dispute.

(2) *Scheduling the meeting:* The Fire Chief will review the Applicant's compliance dispute within not less than five (5) days of receipt of the written request to appeal. An appeal meeting shall be scheduled not later than 21 days to be held at the Fire Chief's office.

(3) *Written statements and exhibits:* The Applicant and the Fire Inspector will each submit a concise written statement using the *"Fire Code Appeal"* form of the issue(s), facts, and relevant Williamson County Emergency Services District #3 Fire Code section(s) involved to the Fire Chief at least 10 business days before the date of the meeting to consider the compliance dispute. These statements should include any relevant exhibits such as plans, as well as a list of any expert witnesses.

(4) *The meeting:* The Applicant will make its presentation first, followed by the Fire Inspector. The Applicant and the Fire Inspector will each be limited to 30 minutes for oral presentation, including questions from the Fire Chief, unless the Fire Chief determines at the beginning of the meeting that more time is warranted. In any event, each party will be provided equal time to make its presentation to the Fire Chief. Each party's oral presentation should address the factual background, the issue(s), and the Williamson County Emergency Services District #3 Fire Code section(s) involved. Each party may include design professionals or other persons in its presentation to the Fire Chief. The Appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Inspector shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses.

(5) *Site visits:* The Fire Chief may visit the site(s) involved in the compliance dispute, at the request of either the Fire Inspector or the Applicant, or on the Fire Chief's own initiative. The Applicant shall make the site available to the Fire Chief for a site visit. No such site visit will be made without a representation of both the Fire Inspector and the Applicant present.

(6) *The Fire Chief's decision:* Within seven (7) business days of the meeting or site visit regarding the compliance dispute, the Fire Chief shall make his written decisions concerning the particular compliance situation. A copy of the Fire Chief's decision will be provided to the Applicant and the Fire Inspector. The Fire Chief may reverse a decision only if, in his opinion: (I) the decision appealed is manifestly unjust; (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 the Fire Code provided that such a reversal would not result in a greater threat of danger to life or safety; or (III) an equivalent life safety and/or fire protection alternative method or modification of the Fire code requirements would not result in a greater threat of danger to the life or safety.

Level 3 – Fire Code Appeals Board

If the Applicant fails to find relief at the Level 2 appeal process, then the Appellant can move to this step. The time limits set forth below apply unless different time limits are mutually agreed to by the Applicant, the Fire Chief, and the Fire Code Appeals Board (FCAB) Chair (e.g., for reasons of urgency).

A review by the FCAB is intended to give Applicants the chance to present their views on particular Fire Code compliance situations to people outside of Williamson County Emergency Services District #3 employment, yet who are knowledgeable about Fire Code issues. The three (3) members of the FCAB members are drawn from the general public, private industry, and construction-related professions to hear and decide the complaint of any person aggrieved by a decision of the Fire Chief or his 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. This FCAB body must be composed of all members of the FCAB body for a quorum.

Only one request for review to the FCAB may be made for any one particular Fire Code compliance dispute. Any stay of Fire Code enforcement pending the FCAB decision will be at the sole discretion of the Fire Chief. Situations involving emergency Fire Code enforcement are not subject to delay by the FCAB review process.

(1) *Written request for review:* The Applicant will submit the written request for FCAB review not more than 30 days after the Fire Chief has notified the Applicant of the Level 2 decision on the Applicant's particular compliance dispute.

(2) *Notifying FCAB of a request for review:* The Fire Chief, will make a reasonable effort to notify the FCAB Chair within one (1) business day (i.e. Monday through Friday, with Saturdays, Sundays, and holidays excluded) of receiving an Applicant's written request for a review by the FCAB. The Fire Chief shall provide a copy of the Applicant's written request to the FCAB Chair at this time, by fax or other reasonable means.

(3) *Scope of review:* The FCAB Chair will determine if the Applicant's request is within the scope of Fire Code matters that the FCAB is permitted to consider. In making this determination, the FCAB Chair will consult with both the Applicant and the Fire Chief.

(4) *Restriction on parties' contacts with the FCAB:* Outside the FCAB meeting(s) and any site visit(s), neither the Applicant nor the Fire Chief will communicate with members of the FCAB about the compliance dispute except if questioned by the FCAB Chair.

(5) *Scheduling the meeting:* The FCAB will meet to review the Applicant's compliance dispute within not less than five (5) days and not more than 21 days after receipt of the request to appeal. The Fire Department Administrator will contact the FCAB Chair, the members of the FCAB, the Fire Chief, and the Applicant to schedule a time for the FCAB's meeting(s). Written notice of the date and time of the appeal hearing shall be posted not less than 10 days prior to the date of the hearing.

(6) *Written statements and exhibits:* The applicant and the Fire Chief will each submit through the *"Fire Code Appeal"* form a concise written statement of the issue(s), facts, and relevant Williamson County Emergency Services District #3 Fire Code section(s) involved to the FCAB Chair at least ten 10 business days before the date of the FCAB meeting to consider the compliance dispute. These statements should include any relevant exhibits such as plans, as well as a list of any expert witnesses. The Applicant and Fire Chief must submit one copy of their respective statements and attachments for each FCAB member, with an additional copy for the other party. The FCAB should receive these copies at least three (3) business days before the FCAB meeting.

(7) *The meeting:* The Applicant will make their presentation first, followed by the Fire Chief. The Applicant and the Fire Chief will each be limited to 30 minutes for oral presentation, including questions from the FCAB members, unless the FCAB Chair determines at the beginning of the meeting that more time is warranted. In any event, each party will be provided equal time to make its presentation to the FCAB. Each party's oral presentation should address the factual background, the issue(s) and the Williamson County Emergency Services District #3 Fire Code section(s) involved. Each party may include design professionals or other persons in its presentation to the FCAB. An Appellant shall be entitled to present evidence in support of the appeal and to cross-examine opposing witnesses. The Fire Chief shall be entitled to present evidence in support of such decision or action and to cross-examine witnesses.

(8) *Site visits:* The FCAB may visit the site(s) involved in the compliance dispute, at the request of either the Fire Chief or the Applicant, or on the FCAB's own initiative. The Applicant shall make the site available to the FCAB for a site visit. No such site visit will be made without representation of both the Fire Chief and the Applicant present.

(9) *The FCAB decision:* Within seven (7) business days of its final meeting or site visit regarding the compliance dispute, the FCAB shall make its written recommendations concerning the particular compliance situation to the Fire Chief. A copy of the FCAB's decisions will also be provided to the Applicant and the other members of FCAB. The FCAB 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 or modify a decision only if, in the opinion of the majority: (I) the decision appealed is manifestly unjust; (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 the Fire Code provided that such a reversal would not result in a greater threat of danger to the life or safety; or (III) an equivalent life safety and/or fire protection alternative method or modification of the Fire code requirements would not result in a greater threat of danger to the life or safety.

Level 4 - Williamson County Emergency Services District #3 Board of Commissioners
If the Applicant fails to find relief at the Level 3 appeal process, then the Appellant can move to this step. The time limits set forth below apply unless different time limits are mutually agreed to by the Applicant, the FCAB Chair, and the President of WCESD #3 Board of Commissioners (e.g., for reasons of urgency).

(1) *Written request for review:* The applicant will submit the written request for WCESD #3 Board of Commissioners review not more than 30 days after the Fire Chief has notified the Applicant of the Level 3 decision on the Applicant's particular compliance dispute.

(2) *Notifying WCESD #3 Board of Commissioners of a request for review:* The Fire Chief, will make a reasonable effort to notify the WCESD #3 Board of Commissioners President within one (1) business day (i.e., Monday through Friday, with Saturdays, Sundays, and holidays excluded) of receiving an Applicant's written request for a review by the WCESD #3 Board of Commissioners. The Fire Chief shall provide a copy of the Applicant's written request to the WCESD #3 Board of Commissioners President at this time, by fax or other reasonable means.

(3) *Scheduling the meeting:* The WCESD #3 Board of Commissioners will hold a special meeting to review the applicant's compliance dispute within not less than five (5) days and not more than 21 days after receipt of the request to appeal. The Administrator will contact the WCESD #3 Board of Commissioners President, the members of the WCESD #3 Board of Commissioners, the Fire Chief and the Applicant to schedule a special called meeting. A written notice of the date and time of the meeting shall be posted not less than 10 days prior to the date of the hearing.

(4) *Written statements and exhibits:* The Applicant and the FCAB Chair will each submit a concise written statement using the *"Fire Code Appeal"* form of the issue(s), facts, and relevant Williamson County Emergency Services District #3 Fire Code section (s) involved to the WCESD #3 President at least seven (7) business days before the date of the special called meeting to consider the compliance dispute. These statements should include any relevant exhibits such as plans, as well as a list of any expert witnesses. The Applicant and FCAB Chair must submit one copy of their respective statements and attachments for each WCESD #3 Board of Commissioners member, with an additional copy for the other party. The WCESD #3 Board of Commissioners will receive these copies at least three (3) business days before the special called meeting.

(5) *The meeting:* The Applicant will make its presentation first, followed by the FCAB Chair. The Applicant and the FCAB Chair will each be limited to 30 minutes for oral presentation, including questions from WCESD #3 Board of Commissioners members, unless the WCESD #3 Board of Commissioners President determines at the beginning of the meeting that more time is warranted. In any event, each party will be provided equal time to make its presentation to the WCESD #3 Board of Commissioners. Each party's oral presentation should address the factual background, the issue(s) and the Williamson County Emergency Services District #3 Fire Code section(s) involved. Each

party may include design professionals or other persons in its presentation to the WCESD #3 Board of Commissioners.

(6) *Site Visits:* The WCESD #3 Board of Commissioners may visit the site(s) involved in the compliance dispute, at the request of either the FCAB, the Fire Chief, the Applicant, or on the WCESD #3 Board of Commissioners own initiative. The applicant shall make the site available to the WCESD #3 Board of Commissioners for a site visit. No such site visit will be made without representation of the FCAB, Fire Chief, and the Applicant present.

(7) WCESD #3 Board of Commissioners *decision:* Within seven (7) business days of its final meeting or site visit regarding the compliance dispute, the WCESD #3 Board of Commissioners shall make its written recommendations concerning the particular compliance situation to the Fire Chief. A copy of the WCESD #3 Board of Commissioner's decision will be provided to the Applicant and the other members of WCESD #3 Board of Commissioners. The WCESD #3 Board of Commissioners may affirm, reverse, or modify the decision from which an appeal is taken. The decision of the majority of the Commissioners shall be the decision of the Commissioners. The WCESD #3 Board of Commissioners may reverse or modify 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 conformity with the intent and purpose of the Fire Code provided that such a reversal would not result in a greater threat of danger to the life or safety; or (III) an equivalent life safety and/or fire protection alternative method or modification of the Fire Code requirements would not result in a greater threat of danger to the life or safety.

Level 5 – Judicial System

If the Applicant fails to find relief at the Level 4 appeal process, then the Appellant can move to this step. This step does not involve an appeal step through WCESD #3.

Additional Information

As it may be revised, this document sets forth the procedures for appeals of particular Fire Code compliance matters. General inquiries about the appeals process should be directed to the Fire Prevention office at 512-759-2616.