22 April 2003

Honorable County Judge
and Commissioners' Court
Administration Building, Ninth Floor

SUBJECT: Recommendation by the County Engineer that Commissioners’ Court Adopt a Phased Implementation Approach in Establishing a Fire Code for Harris County, Texas.

Dear Court Members:

Transmitted for your consideration and adoption is the proposed phased implementation approach for a County Fire Code. This document has been prepared in consultation with various engineering, development and contractor organizations in Harris County, as well as representatives of the County Precincts. Letters of support from several of the organizations are attached.

Chapter 233 of the Texas Local Government Code allows Harris County to adopt a fire code to regulate the construction of “commercial establishments” and “public buildings” excluding apartment buildings. Adopting a fire code will provide continuity among the planning, construction, and post construction requirements of a commercial establishment or public building.

I respectfully request your favorable consideration and adoption of the attached phased approach. An effective date of 1 June 2003 is suggested for implementation of Phase One.

Sincerely,

Jackie Freeman, P.E.
Director

cc: Arthur L. Storey, Jr.
    Deborah M. Vaughn
    Mike Montgomery
    John R. Blount

H:\Word\CC\Fire Code Adoption
PHASE I

To become effective within 30 days of Commissioners' Court authorization.

Phase I notifies the public of the Fire Marshal's current authority under Chapter 352. Under Phase I, the Permit Office would provide public information materials to notify permit applicants of the Fire Marshal's current inspection authority and to encourage property owners to build to some nationally recognized fire code.

PHASE II

This phase would begin 1 September 2003.

Phase II is the program development phase. The Permit Office would hire two plan checkers to provide a courtesy review of plans when they are brought in for floodplain permits. The plan checkers would look for potential fire hazards and make recommendations to correct any hazardous situations. Correspondingly, the Fire Marshal would hire an additional inspector to assist in the field with any fire safety concerns or questions that property owners may have. Owners would be under no obligation to follow the recommendations since there would be no formal adoption of a fire code. The purposes of Phase 2 is to gauge the County's administration requirements and to involve the building community in the development of a fire code and an administrative system.

In this phase, the Fire Code Advisory Committee would make recommendations on what codes and any local amendments are necessary.

PHASE III

Phase 3 is the final adoption and implementation of a fire code. We will determine the details of Phase 3 based upon our experiences during Phase 2 and the recommendations of the Fire Code Committee. We see the regulated community as having a major role in the development of the final Fire Code program.
<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Address and Contact Information</th>
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<tbody>
<tr>
<td>Patrick J. Kiley, Executive Vice President</td>
<td>Chris Hudson, President</td>
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<tr>
<td>Associated General Contractors</td>
<td>American Institute of Architects</td>
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<tr>
<td>3825 Dacoma St.</td>
<td>3000 Richmond Avenue, Ste. 500</td>
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<tr>
<td>Houston TX 77092</td>
<td>Houston TX 77098</td>
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<tr>
<td>Kathryn T. Wood, Vice President and Director of Government Affairs</td>
<td>Tammy K. Betancourt, Executive Vice President</td>
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<tr>
<td>Greater Houston Builders Association</td>
<td>Houston Building Owners and Managers Association</td>
</tr>
<tr>
<td>9511 West Sam Houston Pkwy, North</td>
<td>5847 San Felipe, Suite 1260</td>
</tr>
<tr>
<td>Houston TX 77064</td>
<td>Houston TX 77057</td>
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<td>Christina M. Lindsay, Executive Director</td>
<td>Hilland Hardy, Chief</td>
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<tr>
<td>Houston Council of Engineering Companies</td>
<td>Champions Area Volunteer Fire Dept</td>
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<tr>
<td>2150 W. 18th St., Suite 205</td>
<td>12730 Champion Forest Dr.</td>
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<tr>
<td>Houston TX 77008</td>
<td>Houston TX 77066</td>
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<tr>
<td>Joe Davis, Fire, Chief</td>
<td>F.C. Windisch, Fire Chief</td>
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<tr>
<td>Cy-Fair Volunteer Fire Dept</td>
<td>Ponderosa Volunteer Fire Dept</td>
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<tr>
<td>P.O. Box</td>
<td>17061 Rolling Creek Dr.</td>
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<tr>
<td>Cypress TX 77410</td>
<td>Houston TX 77090</td>
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<tr>
<td>William Wald, President</td>
<td>E.A. Corral, Fire Marshal</td>
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<tr>
<td>Harris County Rural Fire Prevention</td>
<td>City of Houston Fire Dept</td>
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<tr>
<td>District No. 29</td>
<td>1205 Dart St.</td>
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<tr>
<td>5629 FM 1960 West, Ste. 345</td>
<td>Houston TX 77007</td>
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<td>Houston TX 77069</td>
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<tr>
<td>Gene Whitenack</td>
<td>Mark L. Baker, Fire Chief</td>
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<tr>
<td>Fire Chief/Fire Marshal</td>
<td>Webster Fire Department</td>
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<tr>
<td>1200 Rudel Road</td>
<td>18208 Egret Bay Blvd</td>
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<tr>
<td>Tomball TX 77375</td>
<td>Webster TX 77058</td>
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March 27, 2003

John R. Blount, P.E.
Public Infrastructure Department
Harris County
9900 Northwest Freeway, Suite 103
Houston, TX 77092

Re: Fire Code for Unincorporated Harris County

Dear Mr. Blount:

Thank you for requesting AGC’s comments regarding Harris County’s proposed adoption of a Fire Code.

The Associated General Contractors of America (AGC) is the largest and oldest national construction trade association in the United States. The Houston Chapter AGC, established in 1923, represents more than 1000 firms, including 65 General Contractors, over 600 specialty contracting firms, and 300 Service and Supplier firms to the commercial building construction industry in Harris and the surrounding 23 counties.

Members of our Chapter’s AIA/AGC Committee have reviewed the Harris County proposal for adopting a fire code for the unincorporated area of Harris County. We endorse the concepts and provisions of Phases I and II; and the proposed time frames appear, at this time, to be workable—as is the funding mechanism. However, we recommend the use of the International Building Code®. The International Building Code® (IBC) and the International Fire Code® (IFC) have been adopted, or are proposed for adoption, by nearly every municipality in this region, and most other areas of the State. We feel it is in the construction industry’s (and all ancillary industries’) best interest to have a “single code”, avoiding confusion, and simplifying processes, interpretation and understanding. Our support would be contingent on the adoption of the IBC/IFC® codes.

We would like to be actively involved throughout Phase I and II, and in the development of final adoption and implementation of a Fire Code program to be completed in Phase III.

We fully intend to communicate with, educate, and involve our commercial construction industry members in this process, and appreciate the opportunity afforded us to participate.

(Sincerely,

Patrick J. Killey
Executive Vice President
Houston Chapter AGC

Steve Dishman
Brookstone, LP
AGC Co-Chair – AIA/AGC Committee

Cc: AIA/AGC Committee Members
Harris County Commissioners
March 24, 2003

John R. Blount, P.E.
Public Infrastructure Department
Harris County
9900 Northwest Freeway Suite 103
Houston TX 77092

RE: Fire Code for Unincorporated Harris County

Dear Mr. Blount:

Thank you for your request to comment on the proposed adoption of a Fire Code for Harris County.

We believe that Harris County has become an urban county and currently struggles with issues that counties were never designed or authorized to handle. We believe that it is time for Harris County, and all other urban counties, to be given the regulatory tools to cope with a multitude of issues including the regulation of building construction, use and maintenance in order to promote the general health, safety and general welfare of their citizens. Further, we believe that those tools will be found in the adoption of a coordinated family of construction codes. Lastly, we believe that the construction standards for the region should be substantially the same, if not identical.

Most of the municipalities in the Houston metropolitan region have historically adopted the Uniform or the Standard family of codes. The use of two differing standards led to confusion and inconsistency. Recently, these two standards have been combined into the International family of codes. The International Building Code® (IBC) and the International Fire Code® (IFC) have been adopted (or are currently proposed for adoption) by virtually every municipality in this region and most other urban regions in the state. The construction industry has been supportive of this "single code" concept. These facts have made the IBC the current construction code of choice. The result is that the vast majority of buildings being designed for construction in Harris County are already being designed to meet the IBC and its companion document, the IFC. Similarly, the building and facility managers are already familiar with the maintenance requirements of the IFC.

3011 Richmond Avenue, Suite 5000
Houston, Texas 77001-3711
Phone: 713-522-4684 FAX: 713-522-5715
E-mail: marino@marino.com Web: www.marino.com

04/23/03 WED 07:15 [TX/RX NO 5667]
Consequently, we find ourselves in the awkward position of wanting to support the program outlined in your proposal, but being unable to do. The document proposed to be adopted as the fire code is NFPA 101, the Life Safety Code. The use of this document is not consistent with the construction and fire codes that have been adopted by the municipalities within and around Harris County. We believe the introduction of an additional construction or fire standard into the region would result in more confusion and less compliance.

Therefore, we strongly suggest the following changes to the program:

- Phase One would encourage property owners to build to the current edition of the International Building Code® and the International Fire Code®.
- Phase Two would use the International Building Code® to perform their “courtesy” plan reviews and would use the International Fire Code® as the standard for maintaining buildings in a safe manner.
- Phase Three would formalize the use of these codes through adoption and enforcement.

Once the above changes have been incorporated into the proposed Fire Code implementation plan, we will fully support the concept.

Again, thank you for the opportunity to comment.

Sincerely,

Chris Hudson, AIA
President

cc: County Judge Robert Eckels
    Commissioner El Franco Lee, Precinct 1
    Commissioner Sylvia R. Garcia, Precinct 2
    Commissioner Steve Radack, Precinct 3
    Commissioner Jerry Eversole, Precinct 4

    1001 Preston, 9th Floor
    Houston, Texas 77002

    Mike Montgomery, Fire Marshal
    Fire & Emergency Services Department
    Harris County
    480 N Sam Houston Parkway East Suite 105
    Houston TX 77060
March 10, 2003

Mr. John R. Blount, P.E.
Public Infrastructure Department
Harris County
9900 Northwest Freeway, Suite 103
Houston, Texas 77092

RE: Fire Code for Unincorporated Harris County

Dear Mr. Blount:

Thank you for your request to comment on the proposed adoption of a Fire Code for Harris County.

The Greater Houston Builders Association represents some 1500 member companies involved in the homebuilding industry. In 2002 our members were largely responsible for about 33,000 new home starts in the greater Houston metro area, two-thirds of those in the unincorporated areas of four counties. We realize that the proposal does not (and should not) regulate single-family residential construction, but we want to comment on the adoption of the International Fire Code.

The homebuilders have worked for several years to bring consistency to residential codes. We were successful during the last legislative session in passing Senate Bill 365 which mandated the International Residential Codes in municipalities. This session we are working on legislation, House Bill 730 that will mandate, as part of a building standards package, the use of the IRC in the unincorporated areas as well. For single-family residential, the IRC is a stand-alone code, so if HB 730 passes, no further action will be required by the county.

We believe, along with the vast majority of the rest of the country, that the International Codes are the most up-to-date, fair, and coordinated codes available. Therefore, to be consistent with the codes that most of the municipalities in Texas are adopting, the International Fire Code should be adopted.

Again, thank you for the opportunity to comment.
Sincerely,

Kathryn A. "Toy" Wood
Vice President and
Director of Government Affairs

cc: County Judge Robert Eckels
    Commissioner El Franco Lee, Precinct 1
    Commissioner Sylvia R. Garcia, Precinct 2
    Commissioner Steve Radack, Precinct 3
    Commissioner Jerry Eversole, Precinct 4

    1001 Preston, 9th Floor
    Houston, Texas 77002

    Mike Montgomery, Fire Marshal
    Fire & Emergency Services Department
    Harris County
    480 N Sam Houston Parkway East, Suite 105
    Houston, Texas 77060
March 27, 2003

Mr. John R. Blount, PE  
Public Infrastructure Department  
Harris County  
9900 Northwest Freeway, Suite 103  
Houston, TX  77092

Dear Mr. Blount:

The Houston Building Owners and Managers Association (BOMA) strongly supports the development and implementation of a single set of model building codes, i.e.: the International Council of Codes (ICC).

We believe the International Codes safeguard the public health, safety and welfare of our citizenry. They will enhance economic development through the utilization of state-of-the-art technology in materials research, design and construction practices. The "I" codes will streamline the building regulatory system and bring consistency and compatibility to multiple layers of requirements existing at the various governmental levels. And lastly they will advance innovations through their performance-based provisions.

The ICC codes and standards are developed through an open, inclusive and balanced consensus process, which prevents domination by any single interest group. In addition, the International Fire Code will be adopted by the City of Houston within the next 30 days. It would only make sense for the County to consider the same code to facilitate cohesiveness within the building industry.

Because of our interest in the future development of Harris County we encourage you to strongly consider the adoption of the International Fire Code.

Thank you in advance for your consideration.

Sincerely,

Tammy K. Betancourt, CAE  
Executive Vice President
April 21, 2003

Mr. John Blount, P.E.
Manager of Permit Office
Harris County Engineering Division
9900 Northwest Freeway, Suite 103
Houston, Texas 77092

Re: Fire Code for Unincorporated Harris County

Dear Mr. Blount:

We have received your letter informing us of the County’s intent to adopt a County Fire Code for Unincorporated Harris County that would apply to “commercial establishments” and “public buildings.” We certainly applaud the decision of the Harris County Commissioners Court to examine the potential for developing and adopting a fire code. We appreciate your invitation to our organization to participate in the development of the code and guidelines through the County Fire Code Advisory Committee. At our Board of Directors’ meeting in April, we chose to appoint Mr. Doug Ashcraft of Walter P. Moore and Associates and Mr. Steve Farley of Lockwood, Andrews and Newman, to participate on the advisory committee. I will attend the meetings as an alternate.

As you know, our association has a long history of working with the County on many issues that affect the engineering design community. One of the primary goals that we try to achieve, when working with various governmental agencies, is for a continuity in standards and design criteria across agencies throughout the region. We believe this is very beneficial to the governmental entity, as well as the regulated community, to have consistency in these matters. We will bring that type of focus to this endeavor as well.

Thank you for including us in the process and we look forward to the first meeting of the Fire Code Advisory Committee. If you will contact me when a meeting has been set I will coordinate with our representatives.

Sincerely,

Christina M. Lindsay
Executive Director

Xc: HCEC Board of Directors
Mr. Doug Ashcraft
Mr. Steve Farley
April 9, 2003

Mr. Mike Montgomery, Fire Marshal
Harris County Fire and Emergency Services
480 N. Sam Houston Parkway E, Suite 105
Houston, Texas 77060

Re: Fire Code for Unincorporated Harris County

Dear Fire Marshal Montgomery:

The Webster Fire Department supports your efforts in adopting a Fire Code for the unincorporated areas of Harris County. Currently, the staff members in both the Webster Fire Department and Building Department are working to adopt the 2003 International Fire and Building Codes, with a few local changes that reflect the needs of the City of Webster.

As for the Fire Code Advisory Committee, I would be pleased to serve on the Committee as an advisor. I have over fifteen years experience as a Fire Inspector, and have conducted numerous plan reviews and construction field inspections. I believe that my knowledge and experience would be an asset to the Advisory Committee.

On behalf of the Webster Fire Department, I look forward to working with you in the future regarding implementing the Fire Codes for Unincorporated Harris County. If the Webster Fire Department can of further assistance please contact me at your convenience.

Respectfully,

Mark L. Baker
Fire Chief
April 14, 2003

Mike Montgomery
Harris County Fire Marshal
480 N. Sam Houston Parkway E.
Suite 105
Houston, TX 77060

Dear Mr. Montgomery:

On behalf of the Champions Area Volunteer Fire Department, we support and appreciate your effort in addressing the issue of a fire code for Harris County.

Many incidents have occurred in our area that, had an enforceable code been available, would have reduced property damage.

Very truly yours,

[Signature]
Hillard Hardy
Chief
April 21, 2003

Mr. Mike Montgomery
Harris County Fire Marshal
480 N. Sam Houston, Suite 105
Houston, TX 777060

Dear Fire Marshal Montgomery:

Cy-Fair Volunteer Fire Department is one of the largest volunteer fire departments in the United States, and the second-largest fire department in Harris County. We provide fire protection to the 250,000 citizens in the ESD#9 service area in northwest Harris County. This area has undergone tremendous growth and aggressive commercial development.

We believe that an effective fire code and its enforcement are important steps to reducing fire losses and preventing many accidental fires. Cy-Fair VFD supports the County Fire Code proposal and wishes to participate in the Code adoption process.

Please call if you need any assistance.

Sincerely,

Joe Davis
Fire Chief

Jack Bodman
Board President
April 10, 2003

Fire Marshal Mike Montgomery
Harris County Fire & Emergency Services
480 N. Sam Houston Parkway East, #105
Houston, Texas 77060-3521

Dear Fire Marshal Montgomery:

The Ponderosa VFD and its related organizations have supported Harris County efforts for decades to implement a fire code. We believe the best fire and safety prevention methods are to assure that buildings are designed and built to a nationally recognized code.

In addition, we also support modifying the adopted code at minimum levels until we have a working system that becomes the norm. A more cooperative spirit will simplify the code process.

At this time, we do not have a suggested appointee to the County Fire Code Advisory Committee, however we will be discussing the potential at the upcoming Emergency Services District #28 and Ponderosa Volunteer Fire Association, Inc. meetings.

We appreciate the efforts of the FESD and Harris County in adopting a fire code. Our county is maturing rapidly, new buildings proliferate, and the fire service has the responsibility to assure that our citizens and businesses are in a safe environment.

Sincerely,

F. C. Windisch
Fire Chief
April 18, 2003

Mr. Mike Montgomery  
Harris County Fire Marshal  
480 N. Sam Houston Parkway E.  
Suite 105  
Houston, TX 77060

Dear Fire Marshal Montgomery:

The Commissioners of Harris County Rural Fire Prevention District No. 29 would like to add our support to your effort to address the great need for fire codes for all of Harris County.

This type of action could only help to reduce material fire loss as well as human loss of life.

If we can be of assistance in helping secure the necessary legislation please let us know.

Sincerely,

William Wald  
President  
WW/mjc
April 14, 2003

Mike Montgomery
Harris County Fire Marshal
480 N. Sam Houston Parkway E.
Houston, TX 77060

Dear Mike:

I am in receipt of your letter regarding a Fire Code for unincorporated Harris County and I am in support of Harris County having a Fire Code. You asked in your letter for written support and also the consideration of the appointment of a member to represent this organization on a Harris County Fire Code Advisory Committee.

Please accept this letter as a letter of support of the County having a Fire Code as I believe that it is the best way to ensure fire safety in the county. You can count on me to be on your Harris County Advisory Committee and from time to time I will send a representative. If you should need a particular person on my staff that would have the expertise on a particular subject, that will be also be available to you at any time.

Thank you for making me aware of your effort to adopt a County Fire Code and for inviting us to be a part of it. I am referring your letter to the Assistant Fire Marshal, Dan Pruitt, so that he may be aware of your effort also.

Let me hear from you.

Sincerely,

E. A. Corral
Fire Marshal

Cc: Dan H. Pruitt, Assistant Fire Marshal
Harris County Fire Marshals Office
Fire Marshal Mike Montgomery
480 N. Sam Houston Pkwy. E.
Suite 105
Houston, Texas 77060-3521

April 22, 2003

Dear Mike,

The Tomball Fire Department supports the concept of Harris County adopting the International Fire Code. We strongly feel that all citizens should be afforded the minimum standards for Life and Fire Safety.

Sincerely,

[Signature]

Gene Whittemore
Fire Chief/Fire Marshal