

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10  
FIRE SPRINKLER RULE  
RULE NO. 2021-04-14**

**A RULE REQUIRING PROPERTY OWNERS AND CONTRACTORS TO INSTALL FIRE SPRINKLER SYSTEMS; DECLARING THE FAILURE OF OWNERS OR CONTRACTORS TO INSTALL FIRE SPRINKLER SYSTEMS TO BE A NUISANCE AND TO CAUSE HARM TO THE DISTRICT'S ABILITY TO PROVIDE AND REGULATE A SAFE AND ADEQUATE WATER DISTRIBUTION SYSTEM; PROVIDING PENALTIES FOR VIOLATION OF THIS RULE; PROVIDING THAT THIS RULE SHALL BE APPLICABLE AND IN FORCE WITHIN THE DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 ESTABLISHES A RULE AS FOLLOWS:

**SECTION 1. POLICY AND PURPOSE**

The failure of Property Owners or Contractors to install a fire sprinkler system during the construction or remodel of any structures within the boundaries of Travis County Water Control & Improvement District No. 10 (the "District") creates a substantial threat to health and safety in the District, to the safety of all property that the District controls, and can subject the District's water distribution systems to harm, damage, or failure. The Board, therefore, finds that the adoption and implementation of this rule will preserve the health and safety condition of all property that the District controls and will prevent the harm, damage, or failure of the District's water distribution system.

**SECTION 2. DEFINITIONS**

When used in this Rule, the following definitions shall apply unless the context clearly indicates otherwise:

"Contractor" means the person, individual, firm, corporation, partnership, company, or business entity that contracts or agrees with the Property Owner to perform any construction activity within the District.

"District" means Travis County Water Control & Improvement District No. 10.

"Person" means and includes any natural person, association of persons, partnerships, corporations, agent, or officer of corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, and administrators.

*“Property Owner”* means the person who owns fee title to a lot or tract, or that person’s agents, employees, representatives, attorneys, or tenants.

*“Remodel”* means and includes any moving of electric or public locations; moving of an interior wall; changing an exterior wall such as adding a window or door or changing the size of a window; changes to the fixtures, layout, or appliances within a kitchen or bathroom; adding square footage to the structure; constructing an addition to the structure; converting inhabitable space to habitable space; or moving an exterior wall. This list is not all inclusive of all activities that the District shall determine to qualify as a remodel. The District has the sole authority and discretion to determine whether an activity is a remodel. However, the term “remodel” as used in this rule does not include installing fences, sidewalks, or driveways; painting, papering, or replacing existing flooring, cabinets, or counter tops; the installation of playground equipment; or construction of uncovered patios or uncovered decks.

### **SECTION 3.           RULE REQUIREMENTS**

- (a) **FIRE SPRINKLER SYSTEM REQUIREMENT.** A fire sprinkler system approved by Travis County Emergency Services District No. 9 shall be installed in the following structures:
- (1) New commercial building.
  - (2) Remodel of a commercial building directly affecting 50 percent or more of the square footage of the building that is constructed or remodeled after the effective date of this Order shall be required to have a fire sprinkler system designed and installed in accordance with the standards for such sprinkler systems set forth in subsection (c) of this section. For the purpose of calculating the percent of the square footage of the building directly affected by the remodel, the square footage of the remodeled area shall be divided by the total square footage of the building prior to the remodel. The result of that division shall then be multiplied by 100 to achieve the percent of the remodel.
  - (3) New construction and remodeled single-family home. All new single-family homes, and any remodel of a single-family home directly affecting 50 percent or more of the square footage of the home, that are constructed or remodeled after the effective date of this Order shall be required to have a residential fire sprinkler system designed and installed in accordance with the standards for such sprinkler systems set forth in subsection (c) of this section. For the purpose of calculating the percent of the square footage of the home directly affected by the remodel, the square footage of the remodeled area shall be divided by the total square footage of the home prior to the remodel. The result of that division shall then be multiplied by 100 to achieve the percent of the remodel.
  - (4) New or remodeled multi-family structure.
  - (5) All structures located within any newly-platted subdivision within the District.

- (b) **FIRE-FLOW CALCULATION AREA.** In accordance with Section B104 of the International Fire Code, the Fire-flow calculation area shall be determined as follows:
- (1) **General.** The fire-flow calculation area shall be the total floor area of all floor areas within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in subsection (b)(3) of this section.
  - (2) **Area Separation.** Portions of the building that are separated by fire walls without openings, constructed in accordance of the International Building Code, are allowed to be considered as separate fire-flow calculation areas.
  - (3) **Type 1A and 1B Construction.** The fire-flow calculation area of the buildings constructed of Type 1A and Type 1B construction shall be the area of the three largest successive floors.
  - (4) **Fire-flow calculation area for open parking garages** shall be determined by the area of the largest floor.
- (c) **DESIGN AND INSTALLATION.** All fire sprinkler systems required by this rule shall be designed and installed in accordance with the most recently adopted version of the National Fire Protection Association (“NFPA”) standard. The sprinkler system shall be designed and installed by a firm registered by the State Fire Marshal’s Office under the supervision of a responsible managing employee (“RME”) licensed by the State Fire Marshal’s Office in compliance with Texas Insurance Code Chapter 6003 and Section 34.700 of Title 28 of Texas Administrative Code (“TAC”), multipurpose residential fire sprinkler systems designed and installed by a master plumber that holds a multipurpose residential fire protection sprinkler specialist enforcement issued by the Texas State Board of Plumbing Examiners under Texas Occupations Code §1301.3565(a-1) & (a), multipurpose residential fire sprinkler systems installed by a journeyman plumber that holds a multipurpose residential fire protection sprinkler specialist enforcement issued by the Texas State Board of Plumbing Examiners under Texas Occupations Code §1301.3565 (a), or designed by a professional Fire Protection Engineer, registered in the State of Texas, that seals the fire sprinkler system plans. These requirements shall be subject to review and approval from Travis County Emergency Services District No. 9.
- (d) **CERTIFICATION AND TESTING.** Prior to approving water service for any property subject to this rule, the Property Owner or Contractor shall provide the District with a certification that the fire sprinkler system was installed in accordance with this rule and that the backflow prevention device was properly tested and reported to the District.

#### **SECTION 4. PENALTY AND ENFORCEMENT**

- (a) Under Section 51.128 of the Texas Water Code, the Courts shall recognize these Rules and Regulations as if the rules were penal ordinances of a city.

- (b) Under Section 51.128 of the Texas Water Code, the District shall enforce these Rules by complaints filed in the appropriate court of jurisdiction in Travis County, Texas.
- (c) Prior to formal enforcement, the District shall provide notice in writing, via facsimile, hand-delivery, certified mail, or electronic format such as Email. The Property Owner must achieve compliance within 24 hours of receipt of notice of violation, after which the District may commence enforcement action, including pursuit of a temporary restraining order in a court of competent jurisdiction to halt all construction at the job site. Upon commencement of enforcement action, the District will also initiate steps to correct the violation. The District may also collect any penalties or fines or suspend water service to the Property.
- (d) The Property Owner or Contractor shall notify District's Representative in writing, via hand-delivery, certified mail, or electronic format such as Email upon correction of the violation, completion of all construction, or both at the home site. The District's Representative must review the site within five (5) days of receipt of notice of correction. The penalty clock on a violation is stopped only when the District's Representative issues a certificate of compliance.
- (e) Any person who violates any provision of this Rule is subject to a fine in an amount of up to \$1,000.00 per offense. Each day of violation constitutes a separate offense. In addition, the offending party is liable to the District for any costs incurred by the District in connection with any repairs, corrections, court costs necessitated by the violation, or both.
- (f) Any person who violates any provision of this Rule shall be guilty of a misdemeanor and be subject to the appropriate fine, imprisonment, or both.
- (g) The General Counsel is authorized to pursue all judicial remedies available to the District including filing complaints in the court of appropriate jurisdiction to enforce the provisions of this ordinance.

## **SECTION 5. INSPECTION AND IMPOSITION OF FINE**

- (a) The District's General Manager (the "Manager") will serve as the District's Representative in identifying violations and establishing the appropriate fines for violations of these Rules. The Manager will give written notice to an offending party of the amount of the fine imposed, the violation or violations giving rise to the fine, the date or dates of the violations, and any other information the Manager deems appropriate. The written notice will further advise the offending party that the Board of Directors of the District will review the fine at its next regular meeting, and that the offending party may appear at that meeting to appeal the imposition of the fine. The Manager will include the date, time, and place of the meeting in the notice. The Manager will also provide a copy of the notice to the Board of Directors of the District.
- (b) The Board of Directors of the District shall review all fines imposed by the Manager at its next regular meeting following imposition of the fine. The Manager will ensure that the

imposition of the fine is placed on the meeting agenda. At the meeting, the Board will review the action of the Manager, permit the offending party to address the Board to appeal the imposition of the fine, and either affirm or overrule the imposition of the fine. In making its decision, the Board may consider any evidence it deems appropriate.

**SECTION 6. REPEAL OF CONFLICTING PROVISIONS**

All provisions in all other rules in conflict with this Rule are repealed, which repeal shall take effect upon the effective date of this Rule.

**SECTION 7. SEVERABILITY**

If a Court of competent jurisdiction holds any portion of this Rule invalid or unenforceable for any reason, that holding shall not be construed to affect any other portion of this Rule and all other portions shall remain in full force and effect.

**SECTION 8. AUTHORIZATION TO PUBLISH AND EFFECTIVE DATE**

- (a) The Board of Directors of the District hereby authorizes the General Manager of the District to publish notice of this Rule in accordance with Section 51.129 of the Texas Water Code.
- (b) This Rule shall become effective on the fifth day after the publication of notice of a substantive statement of the rule and the penalty for its violation.

PASSED and APPROVED on the 14<sup>th</sup> day of April 2021.

TRAVIS COUNTRY WATER CONTROL &  
IMPROVEMENT DISTRICT NO. 10

[SEAL]

  
Paul Barker, President

ATTEST:

  
Jon Luce, Secretary