



Montgomery County  
Fire Marshal's Office

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**EXHIBIT A**

**ADDITIONS, INSERTIONS, DELETION AND CHANGES TO INTERNATIONAL FIRE  
CODE, 2006 EDITION**

Chapter 1 is deleted in its entirety and is replaced by Part 1, Administration and Preliminary Provisions, 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.

The definitions of **Fire Chief, Fire Code Official, and Occupancy Classification** in Section 202 are amended to:

**FIRE CHIEF.** The Montgomery County Fire Marshal.

**FIRE CODE OFFICIAL:** The "County Building Official" as defined in Section 102.4 of the Montgomery County Fire Code as adopted by Montgomery County and to which this Exhibit is attached is substituted in its place.

**OCCUPANCY CLASSIFICATION:** For the purposes of this code, certain occupancies are defined as follows:

**Group I-1.**

This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Alcohol and drug centers	Assisted living facilities
Congregate care facilities	Convalescent facilities
Group homes	Half-way houses
Residential board and care facilities	Social rehabilitation facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply." 2 6

**Group I-2.**

This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Hospitals

Nursing homes (both intermediate care facilities and skilled nursing facilities)

Mental hospitals

Detoxification facilities.

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements.

If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

A child care facility which provides care on a 24-hour basis to more than five children 2 1 /2 years of age or less shall be classified as Group I-2.

**Group I-4, day care facilities.**

This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code, or applicable State and Federal requirements.

If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

Places of worship during religious functions are not included.

**Adult care facility.**

A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

**Exception:**

Where the occupants are capable of responding to an emergency situation without physical assistance from the staff the facility shall be classified as Group A-3.

**Child care facility.**

A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

**Exception:**

A child day care facility which provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E. 2 7

**Group R-4**

Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants. Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503 of the International Building Code or shall comply with the International Residential Code, or applicable State and Federal requirements. If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.”

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**SECTION 506  
LOCK BOXES**

Sections 506.1, 506.1.1, and 506.2 are amended to read as follows:

**506.1 Where required.**

Lock boxes of an approved type are required for all gated communities and multi-unit housing projects in accordance with the Montgomery County Fire Code.

Section 508.1 is amended to read as follows:

**508.1 Required water supply.**

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A water supply as otherwise required by this section will not be required if the responsible emergency services district or fire department provides a letter stating they can provide sufficient fire flow for the specific project.

Section 601.1 is amended and 601.1.1 is added, to read as follows:

**601.1 Scope.** The provisions of this chapter shall apply to the installation, operation and maintenance of fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevator recall, stationary lead-acid battery systems and commercial kitchen hoods. Such design and construction shall comply with this section and the appropriate State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulations.”

**601.1.1 Conflict between provisions.**

If there is a conflict between the provisions of this section and the State Requirements, Rules, and Regulations and/or Federal Requirements, Rules, and Regulation the more stringent of the provisions shall apply.

Section 701.2 is added, to read as follows:

**701.2 Identification.**

Construction and/or extension of all fire-resistance-rated construction (including walls, shaft enclosures, partitions, and smoke barriers) shall have signs or stenciling permanently installed above any decorative ceiling and/or in concealed spaces. The lettering shall be 2 inches in height and spaced every 12 feet. The following wording is recommended, “ \_\_\_\_ HOUR FIRE AND SMOKE WALL -- PROTECT ALL PENETRATIONS”

Section 903.4.2 is amended to read as follows:

**Section 903.4.2 Alarms.**

Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow 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. Alarm devices shall be provided on the exterior of the building in an approved location. Actuation of the automatic sprinkler system shall actuate the building fire alarm system. Actuation of the building fire alarm system shall meet the requirements of 903.4.1 and provide occupant notification in accordance with section 907.10 in all areas under the protection of the automatic sprinkler system.

Sections 907.2 and 907.2.12.1 are amended, and Sections 907.3.1.9, 907.3.1.9.1 and 907.3.1.9.2 are added, to read as follows:

**907.2 Where required—new buildings and structures.**

An approved manual, automatic or manual and automatic 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 907.10, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance

with section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

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, and in elevator lobbies.

**907.2.12.1 Automatic fire detection.**

Smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall operate the emergency voice/alarm communication system. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room which is not provided with sprinkler protection, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, and in elevator lobbies.

**907.3.1.9 Group A.**

A manual fire alarm system shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:**

Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will activate upon sprinkler water flow.

**907.3.1.9.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.**

Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.

**Exception:**

Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

**907.3.1.9.2 Emergency power.**

Emergency voice/alarm communications systems shall be provided with an approved emergency power source.

Sections 910.2.1 910.3.5 are amended, to read as follows:

**Section 910.2.1 Groups F-1 and S-1.**

Buildings and portions thereof used as a Group F-1 or S-1 occupancy having more than 50,000 square feet (4645 m<sup>2</sup>) of undivided area.

**Exceptions:**

1. Group S-1 aircraft repair hangars.
2. Buildings protected by an automatic sprinkler system installed in accordance with Section 903.

**910.3.5 Draft curtains.**

Where required, draft curtains shall be provided in accordance with this section.

**Exceptions:**

1. Where areas of buildings are equipped with ESFR sprinklers, draft curtains shall not be provided within these areas. Draft curtains shall only be provided at the separation between the ESFR sprinklers and the conventional sprinklers.
2. Areas of buildings that are equipped with an automatic sprinkler system installed in accordance with Section 903.

Sections 912.2.1 and 912.2.2 are amended, to read as follows:

**912.2.1 Visible location.**

Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.

**912.2.**

The fire department connection shall be indicated by an approved sign mounted on the street front, or on the side of the building, or other approved location. Such sign shall have the letters "FDC" at least 6 inches (152 mm) high and other words in letters at least 2 inches (51 mm) high or an arrow to indicate the location. Letters and numbers shall be White in color with a Red background.

Section 1908 is amended by the addition of Section 1908.11, to read as follows:

**1908.11 Fire Marshal's Authority.**

The Montgomery County Fire Marshal shall not be held to the standards set forth in this Section 1908 in his review, pursuant to the rules of the Texas Commission on Environmental Quality, of fire suppression plans submitted to him by waste and recycling facilities, and the Montgomery County Fire Marshal shall be authorized to adopt any standards that he may design for the purpose of such reviews.

Section 3204.3.1.1 is amended as follows:

**3204.3.1.1 Location.**

Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within dike areas containing other hazardous materials.

Section 3308.11 is deleted.

Section 3309 is added, to read as follows, with the entire section being an addition to the Fire Code:

**SECTION 3309**

**FIREWORKS 1.4G RETAIL STORAGE, DISPLAY, AND SALE**

**3309.1 General.**

The sale, storage, and display of Fireworks 1.4G is subject to the authority of the Montgomery County Fire Marshal, including the authority to inspect, determine the presence of fire hazards, and order correction pursuant to TEXAS LOCAL GOVERNMENT CODE, CHAPTER 352.016. This Section 3309 provides standards for the design and construction of buildings in which Fireworks 1.4G are to be stored, sold, and/or displayed. **Such design and construction shall comply with this section and the Texas Fireworks Rules, current edition, as promulgated by the Texas State Fire Marshal.**

**3309.1.1 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.

**3309.1.2 Limit of authority.**

This section does not limit the authority of the Fire Marshal to inspect any retail site location or to require additional fire protection measures.

**3309.2 Requirements for All Retail Sales, Display 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.

**3309.2.1. General requirements.**

**3309.2.1.1 Change of Occupancy.**

Storing Fireworks 1.4G in a building for which for which a Permit and Certificate of Compliance has not been issued under this Code specifically in a manner not described in the application for Permit for such building shall be considered a change of occupancy.

**3309.2.1.2 Physical address and emergency contact information.**

All retail sales sites and storage facilities must have the physical address and a 24-hour emergency contact number prominently posted on the outside of each site, close to the main entrance, and in a manner approved by the Fire Marshal.

**3309.2.1.3 Residential Storage.**

Fireworks 1.4G retail storage buildings shall not be used for residential occupancies. Use of a building in which fireworks are being sold or stored as a residence shall be considered a change in occupancy.

**3309.2.1.4 Minimum allowable distance.**

Except as specified elsewhere in this section, a building in which fireworks 1.4G are to be stored or sold must be at least 10 feet away from any inhabited building.

**3309.2.1.5 Maximum allowable quantity.**

A building in which more than 125 pounds of pyrotechnic material per control area is stored shall be considered a Group H-3 occupancy.

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

5.2 The maximum allowable quantities can be increased 100 percent if the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

5.3 Where the net weight of the pyrotechnic composition of the fireworks is not known, 25 percent of the gross weight of the fireworks, including packaging, shall be used.

5.4 If the maximum allowable quantity per control area is greater than allowed by this section, the facility must also conform to the requirements of Section 3309.5.

**3309.2.2 Temporary Structures.**

The provisions of this section shall apply to structures to be erected, occupied, or moved into or within the jurisdiction, for a period of less than 180 days.

**3309.2.2.1 Compliance with Fire Code.**

All temporary structures shall comply with the Texas Fireworks Rules as promulgated by the State Fire Marshal, and with applicable sections of this sub-section.

Indoor Retail Fireworks sites constructed or permitted prior to January 1<sup>st</sup>, 2008 shall comply with Texas Fireworks Rules as promulgated by the State Fire Marshal, and with applicable sections of this sub-section.

Indoor Retail Fireworks sites constructed or expanded after January 1<sup>st</sup>, 2008 shall comply with the County Fire Code and Texas Fireworks Rules. In case of conflicts the more stringent provision will apply.

**3309.2.2.2 Safety requirements.**

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code and the Texas Fireworks rules as necessary to ensure the public health, safety, and general welfare.

**3309.2.2.3 Construction documents.**

Each installation of a temporary structure shall require a Permit application. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load.

**3309.2.2.4 Fire Code Permit and Certificate of Compliance.**

The Permit and Certificate of Compliance for temporary structures and temporary use of a permanent structure is valid for up to 180 days, and the County Building Official may grant an additional extension of up to 180 days for demonstrated cause. Use beyond such period shall be considered a change of occupancy and will require a new Permit application,

**3309.2.2.6 Temporary Power.**

The Fire Code Official is authorized to give permission to temporarily supply and use power for up to 180 days. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the State Electrical Code.

**3309.2.2.7 Separation distances.**

Temporary structures shall be located in accordance with the requirements of this sub-section. Except as specified elsewhere in this section, the following distances shall apply:

7.1 Trailers, semi-trailers, and metal shipping containers used only for consumer fireworks storage shall be permitted to be placed side by side with no minimum separation distance from each other and stacked to a maximum height of two units.

7.2. All other Fireworks 1.4G temporary retail sales or storage buildings shall comply with the distances listed in Table 3309.2.2.7.

**Table 3309.2.2.7 Minimum Separation Distances of Temporary Fireworks 1.4G Retail Sales or Storage Buildings including Stands, Trailers, or Shipping Containers**

Type of structure	Minimum distance
From stands <sup>1</sup>	5 ft
From vehicle parking	10 ft
From other buildings or other fireworks storage	20 ft
From combustibles	30 ft
From cooking equipment of any type, or any open flame equipment	50 ft
Motor vehicle fuel-dispensing station dispensers Retail propane-dispensing station dispensers Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas	100 ft

Compressed natural gas dispensing facilities	
Aboveground bulk storage or bulk dispensing area for the following: Flammable or combustible liquid Flammable gas or flammable liquefied gas	300 ft
<sup>1</sup> Where the aggregate area of stands on a single site exceeds 800 sq ft, stands must be separated from each other by at least 20 ft.	

**3309.2.3 Permanent Structures.** The provisions of this section shall apply to structures erected, or moved into or within the jurisdiction, for a period of more than 180 days.

**3309.2.3.1 Compliance with Fire Code.** Except as specified, all permanent structures shall comply with the applicable provisions of the Montgomery County Fire Code and this Chapter.

**3309.2.3.2 Separation distances.** Permanent consumer fireworks retail sales and storage facilities shall be separated from adjacent permanent buildings and structures as shown in Table 3309.2.3.2.

**Exception:** Permanent facilities permitted before January 1, 2008 may be separated from adjacent buildings by less than 10 ft if they are separated by a wall with a 1-hour fire resistance rating, provided existing facilities are not enlarged or expanded.

**Table 3309.2.3.2 Minimum Separation Distances of Fireworks 1.4G Retail Sales Buildings from Other Buildings**

Minimum distance	Exterior wall fire rating	Exterior opening fire rating
< 10 feet	2 hour	1 ½ hour
10 feet to < 60 feet	1 hour	¾ hour
> 60 feet	0 hour	0 hour

**3309.2.4 Building Services.** All building services in Fireworks 1.4G retail sales and storage buildings must comply with the provisions of this section.

**3309.2.4.1 Electrical work.** Electrical work performed in an unincorporated area of the state must be installed in accordance with the requirements of the Texas Electrical Code.

**3309.2.4.2 Required listing.** All electrical equipment, battery-powered equipment, and electrical cords shall be listed and shall be used in accordance with their listing.

**3309.2.4.3 Temporary wiring.** Wiring installed in a temporary site, or permanent site for temporary use shall comply with Article 305 of the Texas Electrical Code.

**3309.2.4.4 Temporary electrical conductors.** All temporary conductors shall comply with this section.

4.1 Where temporary electrical conductors are placed on top of an outdoor surface to connect a permanent power source to the temporary facility's electrical system, the conductors shall be provided with physical protection against damage caused by pedestrian or vehicular traffic.

4.2 Conductors shall be buried underground or located more than eight feet off the ground.

4.3 All splices in conductors shall be located within an approved junction box or conduit.

**3309.2.4.5 Light fixture guards.** All light fixtures within 25 ft of any consumer fireworks shall have guards.

**3309.2.4.6 Portable generators.** Portable generators supplying power to consumer fireworks retail sales facilities shall comply with this section.

6.1 Portable generators shall be located not less than 20 ft from the consumer fireworks retail sales facility and in an area free from grass, trash, and other combustible flammable materials.

6.2 Generator fuel shall be stored in an approved safety container at least 20 ft from the consumer fireworks retail sales facility. If the fuel is located less than 50 feet from the sales facility, the quantity shall be limited to not more than 5 gal. Where the generator fuel storage is located at least 50 ft from the consumer fireworks retail sales facility, the quantity of such fuel is not limited.

**3309.2.4.7. Internal Combustion Engines.** Internal combustion engines shall not be operated inside a retail sales site. Fuels for internal combustion engines will not be stored inside a retail sales site.

**3309.2.5 Means of Egress.** Means of egress including, but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or the building is occupied.

**3309.2.5.1 Semi-Trailers and Shipping Containers.** Trailers, Semi-trailers, and Metal Shipping Containers that are not normally occupied shall be permitted to be locked during operation. Panic hardware on exit doors shall not be required. Where an aisle is provided, the aisle shall be not less than 28 inches in clear width.

**3309.2.6 Fire Protection.** All Fireworks 1.4G retail sales and storage facilities must comply with this section.

**3309.2.6.1 Approved storage.** Finished consumer fireworks at a manufacturing or distribution facility may be stored in approved buildings, trailers, semi trailers, metal shipping containers, or magazines.

**3309.2.6.2 Fire lane access.** Any portion of an exterior wall of a building, or other defined perimeter of a consumer fireworks retail sales facility, shall be accessible within 150 ft of a public way or an approved fire apparatus access.

**3309.2.6.3 Fireworks accessibility.** All sales and display areas shall be designed to prohibit ready access by the public.

**3309.2.6.4 External Fire Protection.** Each retail site shall be designed to provide protection against small exterior fires.

4.1 An area of at least 30 feet in width on all sides of a retail fireworks site shall be kept free of high grass, empty cardboard boxes, and trash.

4.2 Each retail sales site shall have equipment or supplies capable of extinguishing small exterior fires that could threaten the retail sales site.

**3309.2.6.5 Portable Fire Extinguishers.** Each retail sales site must have approved portable fire extinguishers in accordance with this section.

5.1 At least one pressurized water type fire extinguisher having a minimum 2A rating shall be located within 75 ft of trailers, semi-trailers, or shipping containers used for storage.

5.2 Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.

5.3 If a portable generator is used, a portable fire extinguisher rated to at least 6:BC shall be immediately available and shall be located within 75 ft of the generator. 3 5

5.4 Temporary consumer fireworks retail sales stands of less than 200 sq ft shall be required to have only one portable fire extinguisher.

**3309.2.6.6. Interior decorations.** No more than 10% of the interior surface may be covered with combustible material such as posters, signs, and decorations.

**3309.2.6.7 Smoking or Open Flame Devices.** Smoking is not permitted inside or within 50 ft of the consumer fireworks retail sales or storage area. Smoking materials, matches, lighters, or open flame devices shall not be located within 50 ft of any area where fireworks are present.

**3309.2.6.8 No Smoking Signs.** “No Smoking” signs complying with Section 310 of the Fire Code shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale, including storage areas.

8.1 “FIREWORKS — NO SMOKING” signs in letters not less than four inches high shall be conspicuously posted on the inside and outside of each entrance door and at several locations inside and outside the building.

8.2 At least one sign that reads “FIREWORKS — NO SMOKING” in letters at least 4 in. high on a contrasting background, shall be conspicuously posted on each side of a sales building, at each entrance, AND within 10 ft of every aisle directly serving the consumer fireworks retail sales area in a store.

**3309.2.6.9 Smoking areas.** Authorized smoking locations shall be located at least 50 ft from a retail sales or storage building. Each designated area shall:

9.1 Be clearly marked

9.2 Contain designated receptacles for disposal of smoking materials, and

9.3 Be provided with at least one approved portable fire extinguisher suitable for use on Class A fires.

**3309.2.6.10 Design of Fireworks Storage Areas.** Consumer fireworks storage areas shall be designed and constructed in accordance with NFPA 230, Standard for the Fire Protection of Storage as follows:

10.1 Exterior door and window openings in consumer fireworks storage buildings shall be equipped with a means for locking.

10.2 Shelves and other storage areas shall provide storage for consumer fireworks in DOT approved packaging;

10.3 Cartons shall be stacked neatly and in a stable manner; and

10.4 Consumer fireworks returned to these buildings shall be permitted to be stored temporarily in non-DOT cartons until repackaging or repacking can be performed.

**3309.2.6.11 Motor Vehicle Parking.** Parking areas shall be designed to prevent a motor vehicle or trailer used for the storage of consumer fireworks to be parked within 10 ft of a consumer fireworks retail sales facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

**3309.2.6.12 No Fireworks Discharge Signs.** At least one sign that reads “NO FIREWORKS DISCHARGE WITHIN 300 FEET”, in letters at least 4 in. high on a contrasting background, shall be conspicuously posted on the exterior of each side of any fireworks 1.4G retail sales facility.

**3309.3.3 Fire Protection.** All Fireworks 1.4G retail stands must comply with this section.

**3309.3.3.1 Smoke detectors.** Each stand will have an operational smoke detector in each sales area. If sleeping or rest areas are provided in the stand, there must be one smoke detector in each sales area and one in each sleeping or rest area.

**3309.3.4.2 Portable Space Heaters.** Only heaters that do not produce open flames or those with no exposed heating elements are allowed in stands. Electric heaters shall be equipped with a tip-over switch and temperature-overheat protection.

**3309.3.4.3 Cooking equipment.** Cooking equipment of any type, or any open-flame equipment, shall not be permitted within 50 ft of temporary stands, trailers, or shipping containers used for the storage or sale of consumer fireworks.

**3309.3.4.4 Security.** If the fireworks stand is used for the unattended storage of Fireworks 1.4G, it must be equipped with suitable locking devices to prevent unauthorized entry.

**3309.3.4.5 Storage areas.** Vacuum cleaners or other mechanical cleaning devices shall not be present inside a stand where fireworks are stored. Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of non-sparking materials.

**3309.3.4.6 Damaged goods storage.** Each stand shall have an area to store damaged fireworks that allows them to be removed and not offered for sale. Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of properly.

#### **3309.4 Specific Requirements for Retail Fireworks Sites Other Than Stands**

**3309.4.1 General requirements.** All indoor retail fireworks sites and storage facilities, other than stands that are less than a combined 800 sq ft in area on a single sales site, shall comply with the requirements of this section.

**3309.4.1.1 Building Design.** The retail fireworks sales building shall be a free standing, durable structure with no basement, and only one story of space accessible to the public.

**3309.4.1.2 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:

- 2.1 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
- 2.2 Door and 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.

**3309.4.1.4 Educational and Assembly Occupancies Prohibited.** Assembly or educational occupancies cannot be used for the storage or sale of Fireworks 1.4G.

**3309.4.1.5 Plans.** New construction or improvement permit Applications shall include, but shall not be limited to, plans sealed by a licensed engineer or architect. For all retail sales sites other than stands, both temporary and permanent, the site plan must indicate:

- 5.1 The address or location of the site;
- 5.2 The name of the person to whom the permit is issued;
- 5.3 The outline and length of all building exterior walls;
- 5.4 The floor area, location, and dimensions used for fireworks sales;
- 5.5 The floor area, location, and dimensions used for fireworks storage outside the sales area;
- 5.6 The floor area, location, and dimensions used for other than fireworks sales and storage;
- 5.7 The general location, description, and distances from the exterior walls to all buildings, fireworks storage magazines, highways, and equipment for storage or dispensing of flammable liquids or compressed gas;
- 5.8 The location of the master electrical cut-off switch;
- 5.9 The location and width of all building doors and paths of egress; and
- 5.10 The maximum estimated number of cases to be stored or displayed for sale in the site.

**3309.4.1.6 Emergency Response Plan.** The operator of each 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.

**3309.4.1.7 Maximum Occupant Load.** The approved maximum occupant load shall be conspicuously posted near the main entrance using a format approved by the Fire Marshal. Records of occupant load will be maintained onsite and available for inspection by the Fire Marshal.

**3309.4.1.8 Sales Area Design.** The sales area shall be designed and constructed so that fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public.

**3309.4.2 Building Services.** All building services in Fireworks 1.4G retail sales facilities other than stands must comply with the provisions of this section.

**3309.4.2.1 Electrical fixtures and wiring.** Electrical fixtures and wiring shall comply with the Texas Electrical Code, currently defined as the National Electrical Code, 2005 Edition.

**3309.4.2.2. Master Switch.** An outside electrical master switch shall be provided at each retail location.

**3309.4.2.3 Extension cords and power strips.** Extension cords, or other flexible cords and cables, shall not be used in place of permanent or fixed wiring. Further:

3.1 Where approved, an extension cord may be used to extend power to a single appliance or single power strip.

3.2 An extension cord providing power to a power strip shall be of the same or greater wire gauge.

3.3 Extension cords and power strips shall be protected from accidental damage by foot traffic, vehicles, or other means.

3.4 Extension cords and power strips cannot be located where the public could walk over them.

3.5 Power strips used for multiple appliances must contain an internal circuit breaker.

**3309.4.3 Means of Egress.** All means of egress in consumer fireworks retail sales facilities, other than stands, shall comply with the applicable requirements of this Code.

**3309.4.3.1 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. Temporary consumer fireworks retail sales stands shall have a minimum of two exits.

**3309.4.3.2 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.

**3309.4.3.3 Minimum aisle width.** Aisles shall have a minimum clear width of 48 in

**3309.4.3.4 Minimum exit door width.** The minimum egress door width shall be not less than 36 in. in and will provide a minimum clear opening width of 32 in.

**3309.4.3.5 Egress door swing.** Unless approved by the 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.

**3309.4.3.6 Roll-up, or lift, doors.** Roll-up or lift doors may be used as egress doors when:

6.1 There is a readily distinguishable device that secures each door in the open position whenever the building is occupied.

6.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background,

6.3 No more than 50% of all egress doors may be roll-up or lift type. At least 50% of all doors must swing in the direction of travel.

**3309.4.3.7 Panic hardware.** Every egress door that has a latching device shall be provided with approved panic hardware.

**3309.4.3.8 Exit Door Locks.** Exit doors shall be unlocked when the building is occupied. All exit doors equipped with locks shall have a sign that reads “THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS” conspicuously posted near the door.

**3309.4.3.9 Exit signs.** All exits shall be marked by an approved exit sign in accordance with this code.

**3309.4.3.10 Emergency lighting.** The means of egress, including the exit discharge for consumer fireworks storage or work buildings or areas shall be illuminated whenever the facility is occupied in accordance with this code. Emergency lighting shall be provided and shall comply with local code.

**3309.4.4 Fire Protection.** All Fireworks 1.4G retail sales facilities, other than stands must comply with this section.

**3309.4.4.1 Covered or safety fuses.** Only fireworks 1.4G with approved covered or safety fuses as defined shall be permitted in a facility in which the retail sales of consumer fireworks are conducted. Only fireworks in the original and undamaged packaging shall be displayed.

**3309.4.4.2 Sales area design requirements.** The sales area must be designed and constructed to minimize fire risk.

2.1 Display areas shall be designed and constructed in a manner that will limit travel distance of ejected pyrotechnic components of ignition of the fireworks occurs.

2.2 Fireworks sales display areas shall be sufficiently designed to prevent customers from handling fireworks, unless an attendant is directly assisting the customer.

2.3 Fireworks sales and storage areas shall be designed to prevent the placement of fireworks within 5 ft of any public entrance or exit in an enclosed building or structure.

2.4 Sales display areas must include a continuous durable restraint around displayed fireworks separating the customers from all merchandise. The height, weight, and stability of the restraint must be designed to prevent individuals from penetrating the barrier.

2.5 Fireworks in the sales area shall be limited to the displayed merchandise unless stored in closed cardboard boxes not accessible to the public.

2.6 Display areas shall be designed and constructed such that fireworks will not be displayed or stored behind glass through which direct sunlight will shine on the fireworks.

2.7 Display areas shall be designed and constructed such that combustible materials and merchandise will not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier is installed directly above the consumer fireworks as prescribed in 7.4.1(e) of NFPA 430, Code for the Storage of Liquid and Solid Oxidizers.

2.8 Partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft in height above the floor surface inside the perimeter of the retail sales area. Display areas shall be designed and constructed such that merchandise on display or located on shelves or counters or other fixtures will not be displayed to a height greater than 6 ft in height above the floor surface within the retail sales area.

2.9 Where located along the perimeter of the retail sales area, the maximum height of sales displays shall be limited to 12 ft.

**Exception:** Where approved by the County Fire Official, the maximum height of sales displays may exceed 12 ft., but only in accordance with Chapter 23 and Section 3309.5 of this Code.

2.10 Shelving must be designed and installed to allow a minimum of 24 in. clearance between stored or displayed materials and any ceiling (minimum of 18 in. for fully sprinklered areas or buildings).

2.11 Where continuous displays of merchandise are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided in accordance with NFPA 1124.

**3309.4.4.3 Fire barrier penetrations.** Any openings or penetrations in the fire barrier wall other than exit doors shall be protected in accordance with this Code.

**3309.4.4.4 Smoke control.** All sites must have a minimum average ceiling height of 12 ft.

**3309.4.4.5 Trash removal.** The facility must be designed to provide removal of trash, rubbish, and unused boxes from the sales, storage, and adjacent areas daily, to prevent unsafe accumulation. Small quantities stored in an orderly manner for reuse are allowed.

**3309.4.4.6 Trash containers.** All trash containers shall be metal or heavy plastic, and be located 10 feet from any displayed or stored fireworks.

**3309.4.4.7 Fireworks Storage Access.** Access to fireworks when stored in a separate and distinct area away from general fireworks sales shall be restricted to employees only.

**3309.4.4.8 Portable Space Heaters.** Portable space heaters shall not be permitted in retail or storage areas.

**3309.4.4.9 Cooking equipment.** Cooking equipment shall not be present within rooms used for fireworks sales or storage.

**3309.4.4.10 Trailers and Containers.** Trailers, semi trailers, and metal shipping containers must be separated by at least 50 ft from any building or structure other than other trailers, semi trailers, or metal shipping containers.

**3309.4.4.11 Portable 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.

11.1 All control areas must have a minimum of one fire extinguisher rated not less than 2-A. Each extinguisher shall cover a floor area not greater than 1000 square feet per unit of "A" rating.

11.2 Portable fire extinguishers for permanent consumer fireworks retail sales facilities and stores shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 ft as specified in NFPA 10.

11.3 Portable fire extinguishers for temporary consumer fireworks retail sales facilities shall be installed and located so that the maximum distance of travel does not exceed 35 ft.

**3309.4.4.12 Fire alarm system.** A fire alarm and detection system shall be required in all consumer fireworks retail sales facilities greater than 3,000 sq ft in area, and shall be installed in accordance with NFPA 72. In Class B stores, a public address system, or a means for manually activating an audible and visible alarm indicating devices located throughout the facility, shall be installed in accordance with this Code.

**3309.4.4.13. Automatic sprinkler system.** An automatic sprinkler system shall be required in permanent consumer fireworks retail sales facilities greater than 6,000 sq ft in area and shall be installed in accordance with NFPA 13. 4 1

12.1 The water flow alarm device shall be arranged to activate audible and visual alarms throughout the facility in accordance with NFPA 72.

12.2 Storage rooms shall be protected with an automatic sprinkler system installed in accordance with NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.

### **Section 3309.5 Specific Requirements for Bulk Storage/Merchandising (BSM) or High-Piled Storage (HPS) Sites**

**3309.5.1 General Requirements.** In addition to other applicable provisions of this Code, all BSM and HPS locations must conform to this section.

**3309.5.1.1 Applicability.** The requirements of this section shall apply to any retail sales or retail onsite storage location with:

- 1.1 More than 125 pounds of pyrotechnics materials;
- 1.2 Storage or display of fireworks 1.4G in excess of 12 ft. in height;
- 1.3 Storage of fireworks 1.4G at manufacturing and distribution facilities; or
- 1.4 Storage or display of fireworks 1.4G in any temporary or permanent buildings, structures, trailers, semi-trailers, and metal shipping containers, or control areas that meet the definition of BULK STORAGE / MERCHANDISING, or HIGH-PILED STORAGE.

**3309.5.1.2 Construction design.** BSM or HPS facilities containing Fireworks 1.4G shall be of solid construction using sound engineering principles.

**3309.5.1.3 Plans.** In addition to the requirements of Section 3309.4.1.5, permit applications shall include, but not be limited to, plans sealed by a licensed engineer or architect. The plans shall include the design, details, and specifications for the following:

- 3.1 Distances from public ways, buildings, facilities, magazines, motor vehicle fuel-dispensing stations, retail propane dispensing stations, flammable and combustible liquid aboveground tank storage, and flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 100 ft of the building
- 3.2 Vehicle access and parking areas
- 3.3 Location and type of portable fire extinguishers
- 3.4 Floor plan and layout of storage and handling to indicate compliance with this chapter
- 3.5 Means of egress
- 3.6 Construction details

**3309.5.1.4. Minimum distance requirements.** The following minimum distance requirements shall apply to any fireworks 1.4G BSM or HPS site:

- 4.1 The BSM or HPS location shall be a minimum distance of 60 feet from any inhabited building and 30 feet from any property line;
- 4.2 Consumer fireworks storage or work buildings shall be separated from magazines and process buildings by the distances specified in NFPA 1124, Table 4.8.3.
- 4.3 The distances in Table 3309.5.1.4 shall be applicable to this section.

#### **Exceptions:**

<sup>1</sup> In the absence of documentation approved by the Fire Marshal, 25% of the gross weight of the fireworks, including all packaging, will be used to determine the 125 pound limitation. A typical case of fireworks 1.4G weighs approximately 25 pounds. Therefore, in the absence of approved documentation, the bulk storage provisions will apply to any fire area that contains more than 20 cases of fireworks 1.4G.

1. BSM or HPS facilities in existence before January 1, 1986 are exempt from compliance, provided such facilities are not enlarged or expanded beyond their January 1, 1986 capacities.
2. An office area used for the operation of the site, separated by a one-hour fire rated wall from the fireworks sales or storage area, may be exempt from the distance requirements after it is reported to, and reviewed by, the Fire Marshal.

**Table 3309.5.1.4 Minimum Separation Distances of Fireworks 1.4G, Processing Buildings, and Fireworks Storage Buildings from Inhabited Buildings, Passenger Railways, and Public Highways**

<b>Inhabited Buildings, Passenger Railways, and Public Highways</b>			
<b>Net Weight Of Fireworks 1.4G, lbs<sup>1</sup></b>	<b>Distance in Feet from:</b>		
	<b>Passenger Rail and Highways</b>	<b>Inhabited Buildings</b>	<b>Property Lines</b>
200	50	60	30
400	50	70	35
600	50	80	40
800	50	90	45
1,000	50	100	50
2,000	58	115	60
3,000	62	124	62
4,000	65	130	65
5,000	68	135	68
6,000	70	139	70
8,000	73	140	73
10,000 or more	Contact MCFMO		
<sup>1</sup> By actual manufacturer-supplied data. In absence of net weight, 25% of the gross weight shall be used.			

**3309.5.2 Building Services.** All building services in BSM or HPS locations shall comply with the provisions of this section.

**3309.5.2.1 Electrical installation.** Electrical installation shall comply with the Texas Electrical Code, currently NFPA 70-2005.

**3309.5.2.2 Master switch.** An outside electrical master switch shall be provided at each facility location when electrical power is installed.

**3309.5.3 Means of Egress.** All means of egress in BSM or HPS locations shall comply with this section.

**3309.5.3.1. Trailers and Containers.** Trailers, semi trailers, and metal shipping containers that are not normally occupied shall not be required to comply with local codes with regard to means of egress.

**3309.5.3.2 Exit doors.** Exit doors other than overhead or sliding doors shall comply with the provisions of Section 3309.4.3.6.

**3309.5.3.3 Aisles.** Aisles and exit doors shall be kept free of any obstruction.

**3309.5.3.4 Exterior doors.** Exterior exit doors shall open outward and shall be equipped with panic hardware. Doors shall be kept unlocked when the building is occupied; otherwise, doors shall be locked for security.

**3309.5.4 Fire Protection.** All fire protection in BSM or HPS locations shall comply with this section.

**3309.5.4.1 Fire access.** Any portion of an exterior wall of a building or other defined perimeter of a consumer fireworks storage facility shall be accessible within 150 ft of a public way or an approved fire apparatus access.

**3309.5.4.2 Automatic Sprinkler System.** An automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, and the requirements for BSM and/or high piled storage shall be provided.

2.1 For sprinkler design considerations, Fireworks 1.4G stored and sealed in DOT approved packaging shall be considered as a Class IV commodity.

2.2 Consumer fireworks, NOT stored and sealed in DOT approved packaging, and stored to a height not greater than 12 ft, shall be classified as an Ordinary Hazard (Group 2) occupancy.

2.3 Consumer fireworks stored to a height greater than 12 ft shall be protected by an appropriate automatic sprinkler system for bulk merchandise storage in accordance with NFPA 13.

2.4 The water flow alarm device shall be arranged to activate audible and visible alarms throughout the facility in accordance with NFPA 72, National Fire Alarm Code, current edition.

**3309.5.4.3 Portable Fire Extinguishers.** Portable fire extinguishers shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers, current edition.

3.1 Every BSM or HPS 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 in a BSM or HPS facility.

3.2 At least one of the required fire extinguishers shall be of the pressurized water type. At least one of the required fire extinguishers shall be of the multipurpose dry chemical type having a minimum 4A rating.

3.3 Portable fire extinguishers for consumer fireworks storage or work buildings shall be located so that the maximum distance of travel to reach an extinguisher from any point shall not exceed 75 ft as specified in NFPA 10, Standard for Portable Fire Extinguishers.

**3309.5.4.4 Smoke control.** Smoke and heat vents designed and installed in accordance with NFPA 204, Standard for Smoke and Heat Venting, shall be provided in consumer fireworks storage buildings exceeding 50,000 sq ft in undivided area.

**3309.5.4.5 Exterior Fire Protection.** Each retail sites shall be designed to provide protection against small exterior fires. The land surrounding BSM or HPS facilities shall be kept clear of brush, dried grass, leaves, and similar combustibles for a distance of at least 30 feet.

**3309.5.4.6 Interior Fire Protection.** Facilities shall be designed so that the rays of the sun shall not come in contact with or shine through glass directly upon fireworks stored in the facility. Skylights which diffuse sun rays are permitted.

**3309.5.4.7 Exposed flames or direct heat.** No stoves, exposed flames, or electric heaters shall be present in any part of a BSM or BSM location except in a boiler room, machine shop, office building, pump house, or lavatory. Heating of storage or sales areas shall be by means of steam, indirect hot air radiation, or hot water.

Sections 3404.2.9.5.1 and 3406.2.4.4 are deleted in their entirety.

Section 3405.2.4.4 is deleted in its entirety.

The opening paragraph to Chapter 45 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.

## APPENDICES

The following Appendices to the International Fire Code, 2006 Edition, are adopted, as indicated:

**Appendix B, FIRE-FLOW REQUIREMENTS FOR BUILDINGS** is adopted in its entirety

**Appendix C, FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is adopted, except as follows:

### SECTION C103 NUMBER OF FIRE HYDRANTS

**C103.1 Fire hydrants available.** The minimum number of fire hydrants available to a building shall not be less than that listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

### SECTION C105 DISTRIBUTION OF FIRE HYDRANTS

**C105.1 Hydrant Spacing.** The average spacing between fire hydrants shall not exceed that listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located.

**Exception:** The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in rules of the jurisdiction in whose Extraterritorial Jurisdiction (ETJ) the project is located.

**Appendix D, FIRE ACCESS LANES** is adopted in its entirety

**Appendix F, HAZARD RANKING** is adopted in its entirety

A new **Appendix H** is added and adopted by Montgomery County as part of the Montgomery County Fire Code, which Appendix shall consist of the following provisions of the International Building Code, 2006 edition, which are incorporated herein as if fully set forth, and shall be designated **Appendix H**, with section numbers to be referred to with the prefix “H”, such that, for example, Section 201.1 of the International Building Code shall be referred to as Section H201.1 of the Montgomery County Fire Code:

**CHAPTER 2, DEFINITIONS**

**CHAPTER 3, USE AND OCCUPANCY CLASSIFICATION**

**CHAPTER 4, SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY**

**CHAPTER 5, GENERAL BUILDING HEIGHTS AND AREAS**

**CHAPTER 6, TYPES OF CONSTRUCTION**

**CHAPTER 7, FIRE-RESISTANT-RATED-CONSTRUCTION**

**CHAPTER 8, INTERIOR FINISHES**

**CHAPTER 9, FIRE PROTECTION SYSTEMS**

**CHAPTER 10, MEANS OF EGRESS**

**CHAPTER 15, ROOF CLASSIFICATIONS, SECTION 1505, FIRE CLASSIFICATION**, including provisions 1505.1 - 1505.7

**CHAPTER 33, SAFEGUARDS DURING CONSTRUCTION, SECTION 3309, FIRE EXTINGUISHERS**, including provisions 3309.1 and 3309.2

**CHAPTER 33, SAFEGUARDS DURING CONSTRUCTION CHAPTER SECTION 3312, AUTOMATIC SPRINKLER SYSTEMS**, including provisions 3312.1 and 3312.2