

# COMMISSIONERS COURT AGENDA ITEM

AGENDA ITEM NO.: \_\_\_\_\_

DATE: May 4, 2026

**SUBJECT:**

Consideration and possible action to adopt the 2021 International Fire Code for use within the unincorporated areas of Matagorda County, Texas.

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**BACKGROUND:**

The Commissioners Court has the authority to adopt fire safety regulations to protect life and property within the unincorporated areas of the County. The 2021 International Fire Code (IFC), as published by the International Code Council, provides comprehensive, modern standards for fire prevention, hazardous materials, emergency access, fire protection systems, and life safety.

Adoption of the 2021 IFC will provide uniform minimum standards for fire safety inspections, permitting, and enforcement by the County Fire Marshal and other designated officials.

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**PROPOSED ACTION:**

Discussion, consideration, and possible action to:

1. **Adopt the 2021 International Fire Code**, including all appendices deemed appropriate by the Court, as the fire code for Matagorda County in the unincorporated areas;
  2. **Authorize the County Fire Marshal** to administer and enforce the Code;
  3. **Establish an effective date** for implementation;
  4. **Provide for local amendments**, including but not limited to:
    - o Permitting procedures and fees;
    - o Fire lane and access requirements;
    - o Regulation of hazardous materials and battery energy storage systems (including reference standards such as NFPA 855 where applicable);
    - o Enforcement mechanisms and penalties consistent with Texas law;
  5. **Direct publication and notice** of adoption as required by law.
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**LEGAL AUTHORITY:**

Authority for this action includes, but is not limited to:

- Texas Local Government Code § 233.061 et seq. (Fire Code in Unincorporated Areas);
  - Texas Health and Safety Code provisions relating to fire safety and hazardous materials;
  - General police powers of the County to protect public health and safety.
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**FISCAL IMPACT:**

Potential administrative costs associated with enforcement, inspections, and training; offset by permit and inspection fees as established by the Court.

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**ATTACHMENTS:**

- Proposed Order Adopting the 2021 International Fire Code (to be considered separately);
  - Summary of proposed local amendments (if any).
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**REQUESTED BY:**

Matagorda County Fire Marshal / County Attorney

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**COMMISSIONERS COURT ACTION:**

- Approved
- Denied
- Tabled
- Other: \_\_\_\_\_

# **\*\*ORDER OF THE COMMISSIONERS COURT**

OF MATAGORDA COUNTY, TEXAS  
ADOPTING THE 2021 INTERNATIONAL FIRE CODE  
FOR THE UNINCORPORATED AREAS OF THE COUNTY\*\*

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

**WHEREAS, the Commissioners Court of Matagorda County, Texas (“County”) is charged with protecting the public health, safety, and welfare of its residents; and**

**WHEREAS, Texas Local Government Code § 233.061 authorizes a county to adopt a fire code and rules necessary to administer and enforce that code in the unincorporated areas of the County; and**

**WHEREAS, the increasing development of industrial facilities, energy infrastructure, data centers, and battery energy storage systems (“BESS”) presents elevated fire, explosion, and life-safety risks requiring uniform, modern regulation; and**

**WHEREAS, the 2021 International Fire Code (IFC), as published by the International Code Council, provides a comprehensive framework for fire prevention, hazardous materials regulation, emergency access, and fire protection systems; and**

**WHEREAS, nationally recognized consensus standards, including NFPA 855, provide critical safeguards for emerging technologies such as lithium-ion battery storage systems; and**

**WHEREAS, adoption of the IFC with local amendments tailored to County conditions will promote uniformity, clarity, and enforceability of fire safety regulations; and**

**WHEREAS, the Commissioners Court finds that failure to adopt and enforce modern fire safety standards may expose the County and its residents to unacceptable risks of fire, explosion, environmental harm, and loss of life;**

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**NOW, THEREFORE, BE IT ORDERED BY THE  
COMMISSIONERS COURT OF MATAGORDA  
COUNTY, TEXAS:**

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**SECTION 1. ADOPTION OF FIRE CODE**

The **2021 International Fire Code**, including all chapters and such appendices as specifically adopted herein, is hereby adopted as the Fire Code of Matagorda County for application within the **unincorporated areas** of the County.

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**SECTION 2. SCOPE AND APPLICABILITY**

This Order applies to:

- All commercial, industrial, and multifamily developments in the unincorporated areas;
- Hazardous materials storage, handling, and use;
- Battery energy storage systems (BESS);
- Fire protection systems, fire lanes, and emergency access;
- Any activity requiring a permit under the adopted Code.

This Order does **not** apply within incorporated municipalities, except where jurisdiction is otherwise authorized by law or agreement.

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**SECTION 3. ADMINISTRATION AND ENFORCEMENT**

**3.01 Fire Marshal Authority**

The Matagorda County Fire Marshal is designated as the **Fire Code Official** and is authorized to:

- Administer and enforce the Code;
- Issue permits and conduct inspections;
- Approve alternative materials and methods;
- Issue notices of violation and orders to correct;
- Coordinate with emergency services and state agencies.

### **3.02 Right of Entry**

The Fire Marshal may enter and inspect premises at reasonable times in accordance with law.

### **3.03 Permitting**

Permits shall be required for activities identified in the IFC and local amendments, including but not limited to:

- Hazardous materials operations;
  - Installation of fire protection systems;
  - Battery energy storage systems;
  - High-piled combustible storage;
  - Industrial and energy-related facilities.
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## **SECTION 4. LOCAL AMENDMENTS (CRITICAL HARDENING PROVISIONS)**

### **4.01 Battery Energy Storage Systems (BESS)**

All BESS installations shall:

- Comply with IFC Chapter 12 and applicable provisions;
- Comply with **NFPA 855** as the controlling standard where referenced;
- Provide site-specific hazard mitigation analysis;
- Maintain minimum setbacks as determined by the Fire Marshal based on risk;
- Include emergency shutdown, thermal runaway mitigation, and fire suppression systems;
- Provide emergency response pre-plans approved by the Fire Marshal.

### **4.02 Emergency Access**

- Fire apparatus access roads shall meet IFC requirements;
- Minimum widths, turning radii, and load capacities shall be strictly enforced;
- Gated access must include approved emergency entry systems.

### **4.03 Water Supply**

- Adequate fire flow must be demonstrated prior to approval;
- Where public water is unavailable, alternative fire suppression solutions must be approved.

### **4.04 Hazardous Materials**

- Facilities exceeding threshold quantities must submit hazard analysis and emergency response plans;
- Reporting and placarding requirements shall be strictly enforced.

#### **4.05 Permits and Fees**

The Commissioners Court may adopt a separate fee schedule by order.

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## **SECTION 5. ENFORCEMENT AND PENALTIES**

### **5.01 Criminal Enforcement**

Violation of this Order or the adopted Code is a misdemeanor punishable as authorized by Texas law.

### **5.02 Civil Remedies**

The County may pursue:

- Injunctive relief;
- Civil penalties where authorized;
- Abatement of dangerous conditions.

### **5.03 Stop Work Orders**

The Fire Marshal may issue stop work orders where an imminent hazard exists.

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## **SECTION 6. APPEALS**

A person aggrieved by a decision of the Fire Marshal may appeal to a Fire Code Appeals Board or directly to Commissioners Court, as established by separate order.

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## **SECTION 7. CONFLICT OF LAWS**

Where conflicts exist:

- The more stringent provision shall control;
- State and federal law shall preempt where applicable.

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## SECTION 8. SEVERABILITY

If any provision of this Order is held invalid, the remaining provisions shall remain in effect.

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## SECTION 9. EFFECTIVE DATE

This Order shall take effect on May 4, 2020.

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## SECTION 10. PUBLICATION AND NOTICE


The County Clerk is directed to:

- Publish notice of adoption as required by law;
  - Maintain a copy of the adopted Code for public inspection.
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**PASSED AND APPROVED** this 4<sup>th</sup> day of May, 2020.

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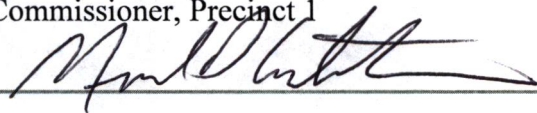
**MATAGORDA COUNTY COMMISSIONERS COURT**

  
County Judge

  
E. Cook

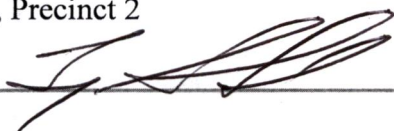
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Commissioner, Precinct 1



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Commissioner, Precinct 2



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Commissioner, Precinct 3



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Commissioner, Precinct 4

ATTEST:

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County Clerk

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