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Donna Campbell, M.D.

Texas State Senator
District 25

June 24, 2024

Via Email: opinion.committee@oag.texas.gov
The Honorable Ken Paxton, Office of the Attorney General
Attn: Opinion Committee
PO Box 12548
Austin, TX 78711-2548

Re: County Government authority to adopt portions of the alternative fire code.

Dear Attorney General Paxton,

Current Texas statute requires the commissioners court of a county adjacent to a county with a population of 250,000 or more to adopt fire code standards. Additionally, it is within the authority of the commissioner courts to adopt fire codes standards for unincorporated areas of their county of jurisdiction.

Under Section 233.062, Local Government Code, counties are required to adopt fire code standards that conform to either the International Fire Code (IFC), as published by the International Code Council or the Uniform Fire Code (UFC), as published by the National Fire Protection Association.

However, under Subdivision (2) of Subsection (c), Section 233.062, Local Government Code, the fire code must "establish protective measures that exceed the standards of the codes described by Subdivision (1) [fire code must conform to either the IFC or the UFC]". But it is not expressly stated if these codes must be adopted in their entirety, or if commissioners courts have the authority to adopt certain provisions of the unadopted, or alternative, fire code.

Therefore, I formally request an Attorney General Opinion to determine if a commissioners court has the authority to adopt certain provisions of one fire code they find to have more suitable protective measures in-part over the other fire code, and thus allowing commissioners courts to adopt these certain provisions from the alternative fire code while continuing/maintaining standards of the other fire code?

Thank you for your attention to this matter. Please contact my Chief of Staff, Shane Birdwell, if we can be of assistance to you in rendering an opinion on this important question regarding the flexibility commissioner courts have when adopting fire codes for their county.

Sincerely,

A handwritten signature in black ink that reads "Donna Campbell".

Senator Donna Campbell, M.D.
Senate District 25
Senate Committee on Nominations, *Chair*

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