

Lamar County Commissioners Court

Order No.

Date:

AN ORDER ESTABLISHING AN INDUSTRIAL FACILITY FIRE SAFETY REVIEW AND PERMIT REQUIREMENT FOR CERTAIN FACILITIES IN THE UNINCORPORATED AREAS OF THE COUNTY

WHEREAS, the Commissioners Court of [County Name], Texas, recognizes the need to protect the health, safety, and welfare of county residents, property, and natural resources from the heightened risks of fire, explosion, hazardous materials release, and other life safety threats associated with certain industrial activities; and

WHEREAS, Section 352.016 of the Texas Local Government Code authorizes the County Fire Marshal to inspect properties, review plans, and identify fire or life safety hazards, and authorizes the County to take appropriate actions to abate such hazards; and

WHEREAS, Section 352.016(b-1) of the Texas Local Government Code further authorizes the County to conduct fire safety plan reviews and to charge reasonable fees for such reviews; and

WHEREAS, the County recognizes that certain industrial facilities—including, but not limited to, Battery Energy Storage Systems (BESS), chemical storage, fuel storage, and other high-hazard operations—present unique and significant risks not posed by residential or low-risk commercial uses, thereby justifying the establishment of a specialized permit and review requirement applicable exclusively to such industrial uses; and

WHEREAS, the Commissioners Court desires to establish a process by which such facilities may be required to undergo pre-construction fire safety review and to obtain a permit prior to construction, operation, or occupancy, thereby ensuring that adequate fire protection measures and emergency response capabilities are in place before such facilities commence operations.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF LAMAR, TEXAS:

1. Establishment of Industrial Facility Fire Safety Permit Requirement

a. Any person or entity proposing to construct, expand, or operate a facility in the unincorporated areas of the county that involves:

- i. The storage, use, or handling of hazardous materials as defined under applicable state or federal law;
 - ii. Energy storage systems, including but not limited to Battery Energy Storage Systems (BESS), exceeding [insert size or capacity threshold]; or
 - iii. Other facilities designated by the County Fire Marshal as presenting elevated fire or life safety risks due to the nature of the materials used, stored, or produced,
- shall be required to obtain an Industrial Facility Fire Safety Permit ("Permit") prior to commencement of construction, operation, or occupancy.

2. Permit Application Requirements

- a. The applicant shall submit to the County Fire Marshal the following documentation:
 - i. Site plans indicating facility layout, access roads, fire lanes, hydrants, and proximity to adjacent structures or sensitive areas.
 - ii. Complete Material Safety Data Sheets (MSDS) for all hazardous materials to be stored, used, or handled on-site.
 - iii. Fire suppression and detection system design documents prepared by a qualified professional.
 - iv. Emergency response, containment, and evacuation plans.
 - v. Any additional information reasonably required by the County Fire Marshal to assess fire or life safety risks.

3. Permit Review and Approval

- a. The County Fire Marshal shall review all submitted materials for compliance with applicable fire safety codes, including any nationally recognized codes adopted by the county or state.
- b. The County Fire Marshal shall have the authority to:
 - i. Approve the permit;
 - ii. Deny the permit on the basis of identified, unmitigated fire or life safety hazards;
 - iii. Require reasonable modifications or additional safety measures as a condition of permit approval.

4. Permit Fees

a. The County shall adopt by separate resolution a schedule of reasonable fees to cover the cost of application processing, plan review, inspections, and administrative expenses associated with the implementation of this Order.

5. Enforcement and Penalties

a. No covered facility shall commence construction, operation, or occupancy without first obtaining the required Permit.

b. The County Fire Marshal may issue orders to halt construction or deny occupancy or operational clearance where a facility is in violation of this Order.

c. Violations of this Order may be subject to penalties under Section 352.022 of the Texas Local Government Code, including but not limited to criminal enforcement for failure to comply with hazard abatement orders.

6. Exemptions

a. This Order shall not apply to:

i. Single-family or multi-family residential developments not involving hazardous materials as defined herein;

ii. Agricultural operations not involving industrial-scale energy storage or hazardous material storage as defined herein;

iii. Facilities expressly exempted by applicable state or federal law.

7. Effective Date

a. This Order shall take effect immediately upon adoption and shall apply to all applicable facilities for which construction has not commenced as of the effective date.

PASSED AND APPROVED this ____ day of _____, **20**, by the Commissioners Court of [County Name], Texas.