



Texas Department of Insurance State Fire Marshal's Office – Inspections Division

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April 18, 2011

Aquarium Restaurant & Stingray Reef
#11 Kemah Waterfront
Kemah, Texas 77565
Josh Hairgrove
281-334-9010

Inspection Number: RRO9573A
Date of Consultation: 4/5/2011
Galveston County

Authority: 417.008, Tex. Gov. Code and adopted rules 28 TAC 34.303

As a result of questions raised by concerned citizens and to assist the Kemah Emergency Services District, the State Fire Marshal's Office provided consultation services regarding minimum fire protection requirements for the above noted facility on April 5, 2011.

The City of Kemah is the Authority Having Jurisdiction, and currently enforces the *2003 Edition of the International Fire Code, (IFC) and 2009 Edition of NFPA 101, Life Safety Code*. The State Fire Marshal's Office has adopted, and currently enforces the *2009 Edition of NFPA 101, Life Safety Code*.

The State Fire Marshal's Office is only authorized by state statutes to enforce the requirements of *NFPA 101, Life Safety Code*; and is not permitted to enforce or regulate a fire code that is adopted by an incorporated city, or other government entity.

This consultation is intended to provide basic information regarding interpretation of minimum code requirements for features of fire protection for this building occupancy classification. You may wish to cross reference the *Life Safety Code with the IFC* for comparative value regarding minimum life safety standards.

The *2009 Edition of the National Fire Protection Association, 101, Life Safety Code*, is referenced for consultative findings in this report.

Aquarium Restaurant & Stingray Reef is a three story existing mixed occupancy of assembly/mercantile, constructed of a wood frame with a masonry exterior, metal roof, and concrete slab foundation. The building is predominantly occupied as a restaurant located on the second and third levels, and the ground level contains a gift shop and marine exhibit area. Features of fire protection include a fire detection and alarm system, a fixed extinguishing hood system for kitchen appliances, portable fire extinguishers, illuminated exit signs, emergency lighting units and emergency generator back-up power.

The certificate of occupancy issued by the City of Kemah building permit department has established an occupant load of 512 for the restaurant, and an occupant load of 44 for the mercantile and exhibit area.

Aquarium Restaurant

Means of Egress Hazards:

The third floor is served by a single exit stair enclosure, and is not provided with an approved, remotely located secondary means of egress to reach the ground level building. The minimum number of exits from any story or portion thereof, shall be not less than two.

Key operated locks are present on the glass doors that lead to the exit stair enclosure from the banquet room that creates the potential to impede free egress in the required path of exit travel.

The exit stair enclosure is being used for unapproved storage of maintenance products, and large amounts of various combustible materials.

The service stairway serving the banquet room kitchen is being used for storage of tables and chairs and creates the potential to impede the means of egress.

Emergency lighting units on the third floor banquet room failed to operate in test mode.

Protection Hazards:

Cooking appliances in the kitchen have been moved out position, and are not within target of the fixed extinguishing nozzles for the fire protection system.

Manual pull stations for the fixed extinguishing system are not readily identified and marked with proper signage.

The exit stair enclosure door on the third level is not equipped with a listed and labeled 1-hour fire rated fire door assembly, and lacks required fire exit hardware.

Building Service Hazards:

Mechanical rooms and electrical closets are being used for storage of combustible materials presenting a potential fire hazard.

An extension cord is being used in place of the building wiring system to power accessory equipment in the electrical closet of the banquet room.

Unenclosed electrical wiring is present under the bar top at the beverage bar on the second level and presents a shock hazard as well as a potential fire ignition source.

Stingray Reef Mercantile and Exhibit

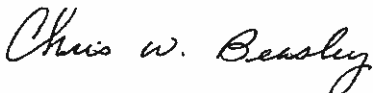
Means of Egress Hazards:

Emergency lighting units throughout the building have been painted which prevents the test button from being depressed to check emergency mode features.

The emergency lighting unit in the pump room failed to operate in test mode.

Operating Features Hazard:

Decorative scenery applied to the ceiling and walls throughout the exhibit area consists of plastic foliage and does not appear to meet minimum requirements for flame and smoke spread factors. Supporting documentation was not provided to verify the decorations meet minimum flame retardant standards.



Chris W. Beasley, CFI
Deputy State Fire Marshal
State Fire Marshal's Office
Fire Safety Inspection Services

cc: Brent E. Hahn, Fire Chief/Fire Marshal
City of Kemah
Landry's Restaurants, Inc.