

City of Houston, Texas, Ordinance No. 2021- _____

AN ORDINANCE RELATING TO THE ADOPTION OF CONSTRUCTION CODES FOR THE PROTECTION AND PRESERVATION OF LIVES AND PROPERTY FROM FIRE AND OTHER PERILS; AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE BY ADOPTING NEW VOLUMES AND REVISED VERSIONS OF SOME EXISTING VOLUMES, AS WELL AS ADOPTING LOCAL AMENDMENTS OR ADMINISTRATIVE PROVISIONS FOR THOSE VOLUMES, AND ADOPTING CONFORMING AMENDMENTS TO THE CODE OF ORDINANCES, HOUSTON, TEXAS, CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECTS; CONTAINING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the *City of Houston Construction Code* is comprised of the following:

City of Houston Building Code, including as Chapter 46, the *Houston Sign Code*

City of Houston Energy Conservation Code

City of Houston Electrical Code

City of Houston Existing Building Code

City of Houston Fire Code

City of Houston Mechanical Code

City of Houston Plumbing Code

City of Houston Residential Code

City of Houston Swimming Pool and Spa Code

Chapter 10, Article IX, of the *Code of Ordinances, Houston, Texas*, also known as the *Houston Building Standards Code*

Houston Public Works Infrastructure Design Manual, also known as the *Infrastructure Design Manual* or *IDM*.

Section 2. That the volume of the *City of Houston Construction Code* known as the *City of Houston Building Code*, consisting of the 2012 Edition of the *International Building Code* and the *Houston Amendments to 2015 International Building Code Modifications*, which regulates and governs the conditions and maintenance of all property, buildings and structures, as adopted by Ordinance No. 2015-1108, and amended by Ordinances Nos. 2016-1289, 2015-1316, 2016-718, 2016-865, 2018-11, 2018-691, and 2020- 669, is hereby replaced with the *International Building Code*, 2015 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit A**, and is adopted as modified by the document entitled *Houston Amendments to the 2015 International Building Code*, which is incorporated by reference herein as **Exhibit A-1**.

Without limitation of other documents that are adopted by reference, the *City of Houston Building Code* includes Chapter 46, the *Houston Sign Code*, which is separately published by the Public Works and Engineering Department.

Section 3. That the volume of the *City of Houston Construction Code* known as the *City of Houston Energy Conservation Code*, consisting of the *City of Houston Residential Energy Conservation Code* and the *City of Houston Commercial Energy Conservation Code*, remains as adopted by Ordinance No. 2016-0718 and 2016-0865 and amended by Ordinance No. 2018-0011.

Section 4. That the volume of the *City of Houston Construction Code* known as the *City of Houston Electrical Code*, consisting of the 2014 Edition of the *National Electrical Code* and the 2014 Administrative Code Provisions, as adopted by Ordinance

No. 2014-876, effective September 24, 2014, and amended by Ordinance No. 2018-0011, is hereby replaced with the *National Electrical Code*, 2020 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit B**, and is adopted as modified by the document entitled *Administrative Code Provisions for the 2020 National Electrical Code*, which is incorporated by reference herein as **Exhibit B-1**.

Section 5. That the volume of the *City of Houston Construction Code* known as the *City of Houston Existing Building Code*, consisting of the *2015 International Existing Building Code*, as published by the International Code Council, which is incorporated by reference herein as **Exhibit C**, as modified by the document entitled *Houston Amendments to the 2015 International Existing Building Code*, which is incorporated by reference herein as **Exhibit C-1**, is hereby adopted as part of the *City of Houston Construction Code*.

Section 6. That the volume of the *City of Houston Construction Code* known as the *City of Houston Fire Code*, consisting of the 2012 Edition of the *International Fire Code* and the *Houston Fire Code Modifications 2015*, as adopted by Ordinance No. 2015-1108, and amended by Ordinance Nos. 2015-1289, 2015-1316, and 2018-0011 is hereby replaced with the *International Fire Code*, 2015 Edition, as published by the International Code Council, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit D**, and is adopted as modified by the document entitled *Houston Amendments to the 2015 International Fire Code*, which is incorporated by reference herein as **Exhibit D-1**, and is hereby adopted as part of the *City of Houston Construction Code*.

Section 7. That the City Council hereby authenticates the copies of the various revised Houston Fire Department LSB Standards as adopted by the Fire Marshal, on file with the City Secretary's Office. New standards may be added and current standards amended from time to time.

Section 8. That the volume of the *City of Houston Construction Code* known as the *City of Houston Mechanical Code*, consisting of the *2012 Uniform Mechanical Code* and the *Houston Mechanical Code Modifications 2015*, which provide complete requirements for the installation and maintenance of heating, ventilating, cooling, and refrigeration systems, as adopted by Ordinance No. 2015-1108, and amended by Ordinance Nos. 2015-1289 and 2018-0011, is hereby replaced with the *Uniform Mechanical Code*, 2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia St., Ontario, CA 91761-2816, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit E**, and is adopted as modified by the document entitled *Houston Amendments to the 2015 Uniform Mechanical Code*, which is incorporated by reference herein as **Exhibit E-1**.

Section 9. That the volume of the *City of Houston Construction Code* known as the *City of Houston Plumbing Code*, consisting of the *2012 Uniform Plumbing Code* and the *Houston Plumbing Code Modifications 2015*, providing basic, uniform plumbing standards among the various practices and diverse local codes, as adopted by Ordinance No. 2015-1108, and amended by Ordinance Nos. 2015-1289 and 2018-0011, is hereby replaced with the *Uniform Plumbing Code*, 2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit F**, and is adopted as modified by the

document entitled *Houston Amendments to the 2015 Uniform Plumbing Code*, which is incorporated by reference herein as **Exhibit F-1**.

Section 10. That the volume of the *City of Houston Construction Code* known as the *City of Houston Residential Code*, consisting of the 2012 Edition of the *International Residential Code for One- and Two-Family Dwellings* and the *Houston Residential Code Modifications 2015*, which regulate and control the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings, as adopted by Ordinance No. 2016-1108, and amended by Ordinances Nos. 2015-1289, 2015-1316, and 2018-11, is hereby replaced with the *International Residential Code for One- and Two-Family Dwellings*, 2015 Edition, as published by the International Code Council, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit G**, and is adopted as modified by the document entitled *Houston Amendments to the 2015 International Residential Code for One- and Two-Family Dwellings*, which is incorporated by reference herein as **Exhibit G-1**.

Section 11. That the volume of the *City of Houston Construction Code* known as the *City of Houston Swimming Pool and Spa Code*, consisting of the 2018 *International Swimming Pool and Spa Code*, as published by the International Code Council, which is incorporated by reference herein as **Exhibit H**, as modified by the document entitled *Houston Amendments to the 2018 International Swimming Pool and Spa Code*, which is incorporated by reference herein as **Exhibit H-1**, is hereby adopted as part of the *City of Houston Construction Code*.

Section 12. That Chapter 10, Article IX, of the *Code of Ordinances, Houston, Texas*, also known as the *Houston Building Standards Code*, as may be amended from time to time, is hereby adopted as part of the *City of Houston Construction Code*.

Section 13. That the *Houston Public Works Infrastructure Design Manual* promulgated by the Houston Public Works Director, as may be amended from time to time, is hereby adopted as part of the *City of Houston Construction Code*.

Section 12. That, for the sake of clarity, the various “Houston Amendments” documents described above have been prepared in a legislative format that depicts certain amendments to the 2015 or 2018 international or uniform codes by underlining added text and striking through deleted text. The stricken portions are for illustration of text that is not adopted by the City of Houston, and the underlining is for illustration of text added by the City of Houston. In some instances, the changes are described by an Editorial Note, with terms such as "**DELETE**" a certain section or "**REPLACE**" a certain table.

Section 13. That some volumes of *City of Houston Construction Code* as adopted herein are based upon uniform codes promulgated by recognized national code organizations, which have been identified above. Local modifications have been made to various provisions of the uniform codes solely to address imminent threats of destruction of property or injury to persons. However, to the extent that any such local modification provision is determined to be unenforceable for purposes of Chapter 245 of the Texas Local Government Code, then it is the intent of the City Council that the corresponding provision of the corresponding uniform national or international code be enforced in its place. For that limited purpose, the uniform national or international codes are also

adopted in their entireties without Houston modifications. However, to the extent that any such local modification provision is determined to be unenforceable because of a conflicting state or federal law, then it is the intent of the City Council that the corresponding state or federal law be enforced in its place.

Section 14. That the volumes of the *City of Houston Construction Code* may be amended from time to time, in the same manner provided in Section 1-4 of the Code of Ordinances, City of Houston, Texas, provided that the amendment shall refer to the *City of Houston Construction Code* and the particular volume thereof that is to be amended. The provisions of Section 1-5 of the Code of Ordinances shall be applicable in the event of the repeal of any portion of the *City of Houston Construction Code*, as adopted herein.

Section 15. That copies of the *City of Houston Construction Code* shall be retained in the care, custody, and control of the Office of the City Secretary and preserved in such form as the City Secretary may consider to be the most expedient.

Section 16. That the adoption of this amendment to the *City of Houston Construction Code* shall not be construed to remove from office any member of any City Board created under the provisions of Ordinance Nos. 2010-847, 2010-871 and 2014-876, as amended. Each member of any board created under those ordinances shall continue to serve for the duration of his or her term of office in the corresponding position on the corresponding board as recreated in the *City of Houston Construction Code*, as amended by this Ordinance.

Section 17. That the provisions of the former Construction Code and Fire Code of the City of Houston, Texas, as adopted pursuant to Ordinance Nos. 2014-876, 2015-1108, 2016-865 and 2016-718, as amended, shall remain in full force and effect for the

trial and punishment of all criminal violations thereof occurring before the effective date of this Ordinance and for the recovery of penalties and forfeitures incurred thereunder, and for the preservation of rights, privileges, obligations, liabilities and remedies established, accrued, accorded or incurred thereunder before the effective date of this Ordinance. All technical provisions thereof relating to the manner and methods of design, equipment and construction of any building or structure for which a completed building permit application is received in the Building Official's Office before the effective date of this Ordinance shall continue to apply to the construction work performed pursuant to the building permit, regardless of whether the building permit is issued before or after the effective date of this Ordinance.

Section 18. That whenever in the *City of Houston Construction Code* an act or omission is prohibited or declared to be unlawful or an offense or a misdemeanor, or whenever in the *City of Houston Construction Code* the doing or performance of any act or duty is required or the failure to do any act is prohibited or declared to be unlawful, and no specific penalty is provided therefor, the violation thereof shall be punishable by a fine of not less than \$250 nor more than \$2000, provided, however, that no penalty shall be greater or lesser than the penalty provided for the same offense under the laws of the state. Each day that any violation continues shall constitute and be punishable as a separate offense. In prosecutions, the various provisions of the *City of Houston Construction Code* that are designated as an "exception" or as "exceptions" shall not be treated as exceptions within the meaning of Section 2.02 of the Texas Penal Code, and instead, it is the intent of the City Council in adopting this Ordinance that they shall

constitute "defenses to prosecution" within the meaning of Section 2.03 of the Texas Penal Code.

Pursuant to the provisions of Section 54.001 of the Texas Local Government Code, the City Council hereby finds, and adopts such finding, that each and every regulation enumerated in the *City of Houston Construction Code* that is punishable, upon violation, by a fine in excess of \$500 governs fire safety and/or public health and sanitation.

Section 19. That the provisions of this Ordinance shall not be construed to repeal Ordinance No. 78-2672 (the Annexation Ordinance), passed and approved on December 30, 1978, the provisions of which shall continue to apply to the operation of the *City of Houston Construction Code*, as amended by this Ordinance.

Section 20. That the Code of Ordinances, Houston Texas, is hereby amended as described in **Exhibit I**, attached hereto and incorporated herein. For the sake of clarity, Exhibit I has been prepared in a legislative format that depicts the amendments by underlining added text and striking through deleted text. The stricken portions are for illustration of text that is being deleted by the City of Houston, and the underlining is for illustration of text that is being added by the City of Houston. In some instances, the changes are described in instructions in the introduction phrase, with terms such as "deleting," "replace" or "replacing."

Section 21. That the City Council hereby approves a revised fee structure applicable to one- and two-family residential dwellings and townhouses and their detached accessory structures, with fees in the amounts set forth in the schedule attached hereto as **Exhibit J**, which fees will take effect on January 1, 2022, provided however, the fees in the attached schedule shall also be increased by and subject to the

annual fee increase pursuant to Section 1-13 of the Code of Ordinances, Houston, Texas, including the increase that will take effect on January 1, 2022. Effective upon the passage and approval of this Ordinance, the Director of Finance shall add the fees set forth in the schedule attached as **Exhibit J** to the City Fee Schedule.

Section 22. That all other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 23. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 24. That the City Attorney is hereby authorized to direct the publishers of the codes amended by this Ordinance to make such nonsubstantive changes to the Codes as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Codes.

Section 25. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on January 1, 2022.

PASSED AND APPROVED this ____ day of _____, 2021.

Mayor of the City of Houston

Prepared by Legal Dept. Alexandra Tolbert
EG/AT/gd/asw 10/12/2021 Assistant City Attorney
Requested by Carol Haddock, Director, Houston Public Works
L.D. File No. 040-2000001-001

EXHIBIT I

EXHIBIT J

