

City of Houston, Texas, Ordinance No. 2023- 907

AN ORDINANCE RELATING TO THE ADOPTION OF CONSTRUCTION CODES FOR THE PROTECTION AND PRESERVATION OF LIVES AND PROPERTY FROM FIRE AND OTHER PERILS; ADOPTING AMENDMENTS TO THE *CITY OF HOUSTON CONSTRUCTION CODE* AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECTS; DECLARING AN EFFECTIVE DATE; CONTAINING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; 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 following volumes:

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 *2015 International Building Code (with Houston Amendments)*, which regulates and governs the conditions and

maintenance of all property, buildings, and structures, as adopted by Ordinance No. 2021-1037, and amended by Ordinances Nos. 2023-64 and 2023-151, is hereby replaced with the *International Building Code*, 2021 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 2001, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit A**, and is adopted and modified by the document entitled *Houston Amendments to the 2021 International Building Code*, which is incorporated by reference herein as **Exhibit A-1**.

That the City Council hereby separately adopts the *ASCE 7 Supplement*, which is incorporated by reference as part of the *Houston Amendments to the 2021 International Building Code* and the *2021 International Residential Code*, published by the American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, VA 20191, on file with the City Secretary's Office attached hereto as **Exhibit B**. The *ASCE 7 Supplement* is subject to change before and upon publication of the International Code Council's 2024 edition of the International Building Code (IBC) and International Residential Code (IRC) to incorporate any pertinent and related changes made to the model code in relation to the ASCE 7 standard edition update.

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 Houston Public Works.

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*, as adopted by Ordinance No. 2016-0718 and 2016-0865 and

amended by Ordinance No. 2018-0011, is hereby replaced with the *International Energy Conservation Code*, 2021 Edition, as published by the International Code Council, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit C**, and is adopted as modified by the document entitled *Houston Amendments to the 2021 International Energy Conservation Code*, which is incorporated by reference herein, **Exhibit C-1**.

Section 4. That the volume of the *City of Houston Construction Code* known as the *City of Houston Electrical Code*, consisting of the *2020 National Electric Code* and *Administrative Code Provisions for the 2020 National Electric Code*, as adopted by Ordinance No. 2021-1037, effective April 1, 2022, and amended by Ordinance No. 2023-64, is hereby replaced with the *National Electric Code*, 2023 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 D**, and is adopted as modified by the document entitled *Administrative Code Provisions for the 2023 National Electrical Code*, which is incorporated herein as **Exhibit D-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* and *Houston Amendments to the 2015 International Existing Building Code*, as adopted by Ordinance No. 2021-1037, is hereby replaced with the *International Existing Building Code*, 2021 Edition, as published by the International Codes Council, 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 *2021 Houston Amendments to*

International Existing Building Code, which is incorporated by reference here in, **Exhibit E-1**.

Section 6. That the volume of the *City of Houston Construction Code* known as the *City of Houston Fire Code*, consisting of the *2015 International Fire Code* and *Houston Amendments to the 2015 Fire Code*, as adopted by Ordinance No. 2021-1037, is hereby replaced with the *International Fire Code*, 2021 Edition, as published by the International Codes Council, 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 International Fire Code 2021*, which is incorporated by reference herein, **Exhibit F-1**.

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 *2015 Uniform Mechanical Code* and *Houston Amendments to the 2015 Uniform Mechanical Code*, which provide complete requirements for the installation and maintenance of heating, ventilating, cooling, and refrigerator systems, as adopted by Ordinance No. 2021-1037, is here by replaced with the *Uniform Mechanical Code*, 2021 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 G**, and is adopted as modified by the document entitled

Houston Amendments to the 2021 Uniform Mechanical Code, which is incorporated by reference herein as **Exhibit G-1**.

Section 9. That the volume of the *City of Houston Construction Code* known as the *City of Houston Plumbing Code*, consisting of the *2015 Uniform Plumbing Code* and *Houston Amendments to the 2015 Uniform Plumbing Code*, providing basic, uniform plumbing standards among the various practices and diverse local codes, as adopted by Ordinance No. 2021-1037, is hereby replaced with the *Uniform Plumbing Code, 2021 Edition*, as published by the International Association of Plumbing and Mechanical Officials, on file in the City Secretary's Office and incorporated by reference herein as **Exhibit H**, and is adopted as modified by the document entitled *Houston Amendments to the 2021 Uniform Plumbing Code*, which is incorporated by reference herein as **Exhibit H-1**.

Section 10. That the volume of the *City of Houston Construction Code* known as the *City of Houston Residential Code*, consisting of the *2015 International Residential Code for One- and Two-Family Dwellings* and *Houston Amendments to the 2015 International Residential Code for One- and Two-Family Dwellings*, which regulate and control the design, construction quality of materials, erection, installation, alternation, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings, as adopted by Ordinance No. 2021-1037, is hereby replaced with the *International Residential Code for One- and Two-Family Dwellings, 2021 Edition*, as published by the International Codes Council, on file with the City Secretary's Office and incorporated by reference herein as **Exhibit I**, as modified by the document entitled

Houston Amendments to the 2021 Residential Code for One- and Two-Family Dwellings, which is incorporated by reference herein as **Exhibit I-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* and *Houston Amendments to the 2018 International Swimming Pool and Spa Code*, as adopted by Ordinance No. 2021-1037, is hereby replaced with the *International Swimming Pool and Spa Code*, 2021 Edition, as published by the International Code Council, which is incorporated by reference herein as **Exhibit J**, as modified by the document entitled *Houston Amendments to the 2021 International Swimming Pool and Spa Code*, which is incorporated by reference herein as **Exhibit J-1**.

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 14. 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, 2018, 2021, or 2023 national, 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" and certain section or "REPLACE" a certain table.

Section 15. That some volumes of the *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 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 16. 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 17. 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 18. 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 2014876, 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 19. 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 penalty 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 20. 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 performing 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 \$2,000, provided, however, that no penalty shall be greater or lesser than the penalty provided for in 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 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 "defense to prosecution" within the meaning of Section 2.03 of the Texas Penal Code.

Pursuant to 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 21. 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 22. 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 L**, which fees will take effect on adoption of this Ordinance, provided however, the fees in the attached schedule shall thereafter 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, 2024. 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 L** to the City Fee Schedule.

Section 23. That all other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 24. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance or the standard codes or local amendments adopted hereby, 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 an unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

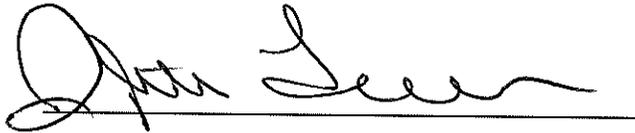
Section 25. That the City Attorney is hereby authorized to direct the publishers of the codes amended by this Ordinance to make such nonsubstantive changes to the Codes as are necessary to conform to the provisions adopted in this Ordinance, and also

to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Codes.

Section 26. That there exists a public emergency requiring that this Ordinance 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 excepting the effective date of certain fees as otherwise provided for herein shall take effect on January 1, 2024.

PASSED AND ADOPTED this 25th day of October, 2023.

APPROVED this 25th day of October, 2023.



Mayor of the City of Houston

Prepared by Legal Dept. DocuSigned by:
Ondrea Taylor
Ondrea Taylor;pmd 9/21/23 Section Chief Real Estate
Requested by Carol Haddock, Director, Houston Public Works
LD-RE-0000001802

Meeting 10/25/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
Absent on personal business		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 10/31/2023