

By: Brimer

S.B. No. 736

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to apply a county fire code to certain buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 233, Local Government Code, is amended by adding Section 233.0615 to read as follows:

Sec. 233.0615. DEFINITIONS; SUBSTANTIAL IMPROVEMENT; CONSTRUCTION. (a) In this subchapter:

(1) "Building" includes an establishment or dwelling.

(2) "Substantial improvement" means:

(A) the repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds 50 percent of the building's value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or

(B) a change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into a loft apartment.

(b) For purposes of this subchapter, substantial improvement begins on the date that the repair, restoration, reconstruction, improvement, or remodeling or the change in occupancy classification begins or on the date materials are first delivered for that purpose.

1 (c) For purposes of this subchapter, construction begins on
2 the date that ground is broken for a building, or if no ground is
3 broken, on the date that:

4 (1) the first materials are added to the original
5 property;

6 (2) foundation pilings are installed on the original
7 property; or

8 (3) a manufactured building or relocated structure is
9 placed on a foundation on the original property.

10 SECTION 2. Section 233.062, Local Government Code, is
11 amended by amending Subsections (a) and (c) and adding Subsection
12 (d) to read as follows:

13 (a) The fire code applies only to the following buildings
14 constructed in an unincorporated area of the county:

15 (1) a commercial establishment; ~~and~~

16 (2) a public building; and

17 (3) a multifamily residential dwelling consisting of
18 four or more units.

19 (c) The fire code must:

20 (1) conform to:

21 (A) the International Fire Code, as published by
22 the International Code Council, as the code existed on May 1, 2005;
23 or

24 (B) the Uniform Fire Code, as published by
25 [Uniform Building Code or to a national fire code adopted by the
26 Southern Building Code Congress,] the National Fire Protection
27 Association, as the code existed on May 1, 2005 [or the Building

1 ~~Officials and Code Administrators International]~~; or

2 (2) establish protective measures that exceed the
3 standards of the codes described by Subdivision (1).

4 (d) The commissioners court may adopt later editions of a
5 fire code listed in Subsection (c).

6 SECTION 3. Subsections (a) and (d), Section 233.063, Local
7 Government Code, are amended to read as follows:

8 (a) A person may not construct or substantially improve a
9 building described by Section 233.062(a) in an unincorporated area
10 of the county unless the person obtains a building permit issued in
11 accordance with this subchapter.

12 (d) If the commissioners court receives an application and
13 fee in accordance with Subsection (b) and the commissioners court
14 does not issue the permit or deny the application within 30 days
15 after receiving the application and fee, the construction or
16 substantial improvement of the building that is the subject of the
17 application is approved for the purposes of this subchapter.

18 SECTION 4. Section 233.064, Local Government Code, is
19 amended by amending Subsections (c), (d), and (e) and adding
20 Subsection (g) to read as follows:

21 (c) A building inspector may enter and perform the
22 inspection at a reasonable time at any stage of the building's
23 construction or substantial improvement and after completion of the
24 building.

25 (d) On or before the date that construction or substantial
26 improvement of a building subject to this subchapter is completed,
27 the owner of the building shall request in writing that the county

1 inspect the building for compliance with the fire code.

2 (e) The county shall begin the inspection of the building
3 within five business [~~two~~] days after the date of the receipt of the
4 written inspection request. If an inspection is properly requested
5 and the county does not begin the inspection within the time
6 permitted by this subsection, the building that is the subject of
7 the request is considered approved for the purposes of this
8 subchapter.

9 (g) If the inspector determines, after an inspection of the
10 completed building, that the building does not comply with the fire
11 code:

12 (1) the county shall deny the certificate of
13 compliance; and

14 (2) the building may not be occupied.

15 SECTION 5. Section 233.065, Local Government Code, is
16 amended by adding Subsection (d) to read as follows:

17 (d) The fee for a fire code inspection under this subchapter
18 must be reasonable and reflect the approximate cost of the
19 inspection personnel, materials, and administrative overhead.

20 SECTION 6. Subsection (c), Section 233.062, Local
21 Government Code, as amended by this Act, applies only to a fire code
22 adopted by the commissioners court of a county on or after the
23 effective date of this Act. A fire code adopted by the
24 commissioners court of a county before the effective date of this
25 Act is governed by the law that existed when the fire code was
26 adopted, and the former law is continued in effect for that purpose.

27 SECTION 7. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.