

1-1 By: Brimer S.B. No. 736
1-2 (In the Senate - Filed February 24, 2005; March 2, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 4, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 4, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 736 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of certain counties to apply a county fire
1-11 code to certain buildings.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Subchapter C, Chapter 233, Local Government
1-14 Code, is amended by adding Section 233.0615 to read as follows:

1-15 Sec. 233.0615. DEFINITIONS; SUBSTANTIAL IMPROVEMENT;
1-16 CONSTRUCTION. (a) In this subchapter:

1-17 (1) "Building" includes an establishment or dwelling.

1-18 (2) "Substantial improvement" means:

1-19 (A) the repair, restoration, reconstruction,
1-20 improvement, or remodeling of a building for which the cost exceeds
1-21 50 percent of the building's value according to the certified tax
1-22 appraisal roll for the county for the year preceding the year in
1-23 which the work was begun; or

1-24 (B) a change in occupancy classification
1-25 involving a change in the purpose or level of activity in a
1-26 building, including the renovation of a warehouse into a loft
1-27 apartment.

1-28 (b) For purposes of this subchapter, substantial
1-29 improvement begins on the date that the repair, restoration,
1-30 reconstruction, improvement, or remodeling or the change in
1-31 occupancy classification begins or on the date materials are first
1-32 delivered for that purpose.

1-33 (c) For purposes of this subchapter, construction begins on
1-34 the date that ground is broken for a building, or if no ground is
1-35 broken, on the date that:

1-36 (1) the first materials are added to the original
1-37 property;

1-38 (2) foundation pilings are installed on the original
1-39 property; or

1-40 (3) a manufactured building or relocated structure is
1-41 placed on a foundation on the original property.

1-42 SECTION 2. Section 233.062, Local Government Code, is
1-43 amended by amending Subsections (a) and (c) and adding Subsection
1-44 (d) to read as follows:

1-45 (a) The fire code applies only to the following buildings
1-46 constructed in an unincorporated area of the county:

1-47 (1) a commercial establishment; ~~and~~

1-48 (2) a public building; and

1-49 (3) a multifamily residential dwelling consisting of
1-50 four or more units.

1-51 (c) The fire code must:

1-52 (1) conform to:

1-53 (A) the International Fire Code, as published by
1-54 the International Code Council, as the code existed on May 1, 2005;
1-55 or

1-56 (B) the Uniform Fire Code, as published by
1-57 [Uniform Building Code or to a national fire code adopted by the
1-58 Southern Building Code Congress,] the National Fire Protection
1-59 Association, as the code existed on May 1, 2005 [or the Building
1-60 Officials and Code Administrators International]; or

1-61 (2) establish protective measures that exceed the
1-62 standards of the codes described by Subdivision (1).

1-63 (d) The commissioners court may adopt later editions of a

2-1 fire code listed in Subsection (c).

2-2 SECTION 3. Subsections (a) and (d), Section 233.063, Local
2-3 Government Code, are amended to read as follows:

2-4 (a) A person may not construct or substantially improve a
2-5 building described by Section 233.062(a) in an unincorporated area
2-6 of the county unless the person obtains a building permit issued in
2-7 accordance with this subchapter.

2-8 (d) If the commissioners court receives an application and
2-9 fee in accordance with Subsection (b) and the commissioners court
2-10 does not issue the permit or deny the application within 30 days
2-11 after receiving the application and fee, the construction or
2-12 substantial improvement of the building that is the subject of the
2-13 application is approved for the purposes of this subchapter.

2-14 SECTION 4. Section 233.064, Local Government Code, is
2-15 amended by amending Subsections (c), (d), and (e) and adding
2-16 Subsection (g) to read as follows:

2-17 (c) A building inspector may enter and perform the
2-18 inspection at a reasonable time at any stage of the building's
2-19 construction or substantial improvement and after completion of the
2-20 building.

2-21 (d) On or before the date that construction or substantial
2-22 improvement of a building subject to this subchapter is completed,
2-23 the owner of the building shall request in writing that the county
2-24 inspect the building for compliance with the fire code.

2-25 (e) The county shall begin the inspection of the building
2-26 within five business [~~two~~] days after the date of the receipt of the
2-27 written inspection request. If an inspection is properly requested
2-28 and the county does not begin the inspection within the time
2-29 permitted by this subsection, the building that is the subject of
2-30 the request is considered approved for the purposes of this
2-31 subchapter.

2-32 (g) If the inspector determines, after an inspection of the
2-33 completed building, that the building does not comply with the fire
2-34 code:

2-35 (1) the county shall deny the certificate of
2-36 compliance; and

2-37 (2) the building may not be occupied.

2-38 SECTION 5. Section 233.065, Local Government Code, is
2-39 amended by adding Subsection (d) to read as follows:

2-40 (d) The fee for a fire code inspection under this subchapter
2-41 must be reasonable and reflect the approximate cost of the
2-42 inspection personnel, materials, and administrative overhead.

2-43 SECTION 6. Subsection (c), Section 233.062, Local
2-44 Government Code, as amended by this Act, applies only to a fire code
2-45 adopted by the commissioners court of a county on or after the
2-46 effective date of this Act. A fire code adopted by the
2-47 commissioners court of a county before the effective date of this
2-48 Act is governed by the law that existed when the fire code was
2-49 adopted, and the former law is continued in effect for that purpose.

2-50 SECTION 7. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2005.

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