

By: Duncan

S.B. No. 820

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption and amendment of model building codes by
3 certain municipalities.

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

5 SECTION 1. Subchapter G, Chapter 214, Local Government
6 Code, is amended by adding Sections 214.217 and 214.218 to read as
7 follows:

8 Sec. 214.217. NOTICE REGARDING MODEL CODE ADOPTION OR
9 AMENDMENT IN CERTAIN MUNICIPALITIES. (a) In this section,
10 "national model code" means a publication that is developed,
11 promulgated, and periodically updated at a national level by
12 organizations consisting of industry and government fire and
13 building safety officials through a legislative or consensus
14 process and that is intended for consideration by units of
15 government as local law. National model codes include the
16 International Residential Code, the National Electrical Code, and
17 the International Building Code.

18 (b) This section applies only to a municipality with a
19 population of more than 100,000.

20 (c) On or before the 21st day before the date the governing
21 body of a municipality takes action to consider, review, and
22 recommend the adoption of or amendment to a national model code
23 governing the construction, renovation, use, or maintenance of
24 buildings and building systems in the municipality, the governing

1 body shall publish notice of the proposed action conspicuously on
2 the municipality's Internet website.

3 (d) The governing body of the municipality shall make a
4 reasonable effort to encourage public comment from persons affected
5 by the proposed adoption of or amendment to a national model code
6 under this section.

7 (e) On the written request from five or more persons, the
8 governing body of the municipality shall hold a public hearing open
9 to public comment on the proposed adoption of or amendment to a
10 national model code under this section. The hearing must be held on
11 or before the 14th day before the date the governing body adopts the
12 ordinance that adopts or amends a national model code under this
13 section.

14 (f) If the governing body of a municipality has established
15 an advisory board or substantially similar entity for the purpose
16 of obtaining public comment on the proposed adoption of or
17 amendment to a national model code, this section does not apply.

18 Sec. 214.218. IMMEDIATE EFFECT OF CERTAIN CODES OR
19 PROVISIONS DELAYED. (a) In this section, "national model code"
20 has the meaning assigned by Section 214.217.

21 (b) Except as provided by Subsection (c), the governing body
22 of a municipality with a population of more than 100,000 that adopts
23 an ordinance or national model code provision that is intended to
24 govern the construction, renovation, use, or maintenance of
25 buildings and building systems in the municipality shall delay
26 implementing and enforcing the ordinance or code provision for at
27 least 30 days after final adoption to permit persons affected to

1 comply with the ordinance or code provision.

2 (c) If a delay in implementing or enforcing the ordinance or
3 code provision would cause imminent harm to the health or safety of
4 the public, the municipality may enforce the ordinance or code
5 provision immediately on the effective date of the ordinance or
6 code provision.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.