

By: Duncan

S.B. No. 820

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and amendment of model building codes by municipalities.

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

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

Sec. 214.217. MODEL CODES ADVISORY BOARD. (a) In this section:

(1) "Advisory board" means the Model Codes Advisory Board.

(2) "National model codes" means publications that are:

(A) developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process; and

(B) intended for consideration by units of government as local law.

(b) The governing body of a municipality may establish a Model Codes Advisory Board to review and recommend the adoption of and amendment and addition to national model codes to govern the construction, renovation, use, or maintenance of buildings and building systems in the municipality.

1 (c) The advisory board consists of the following members
2 appointed by the governing body of the municipality:

3 (1) a builder who holds a certificate of registration
4 under Chapter 416, Property Code;

5 (2) an architect licensed by this state or a building
6 designer who operates in this state;

7 (3) a commercial building contractor who operates in
8 this state;

9 (4) a building facilities manager who manages a
10 facility in this state;

11 (5) an owner or management company representative of
12 multifamily housing in this state;

13 (6) an owner or manager of an industrial,
14 manufacturing, or warehouse facility in this state;

15 (7) an engineer licensed by this state;

16 (8) an engineer licensed by this state who routinely
17 provides mechanical, electrical, and plumbing services;

18 (9) a heating, ventilation, and air conditioning
19 contractor who operates in this state;

20 (10) a master electrician licensed by this state;

21 (11) a master plumber licensed by this state; and

22 (12) a developer active in property development in
23 this state.

24 (d) The advisory board shall review the technical
25 provisions of a national model code proposed for adoption or
26 proposed amendments or additions to a national model code proposed
27 for adoption by the municipality and make recommendations to the

1 governing body of the municipality.

2 (e) If the governing body of a municipality does not
3 establish an advisory board under this section or has not
4 established a substantially similar advisory body for the purpose
5 described by Subsection (b) before the effective date of the
6 legislation enacting this section, a person may register with the
7 city secretary to receive written notice from the municipality when
8 the municipality considers the adoption of or amendment or addition
9 to an ordinance or a national model code that is intended to govern
10 the construction, renovation, use, or maintenance of buildings and
11 building systems in the municipality.

12 (f) Except as provided by Subsection (g), the municipality
13 shall provide notice to each person who registers under Subsection
14 (e) at least 30 days before the date the governing body takes action
15 to consider the adoption of or amendment or addition to an ordinance
16 or code provision described by this section.

17 (g) If a delay in the adoption of or amendment or addition to
18 an ordinance or code provision would cause imminent harm to the
19 health or safety of the public, the municipality may provide
20 alternative reasonable notice to each person who registers under
21 Subsection (e).

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

25 (b) Except as provided by Subsection (c), the governing body
26 of a municipality that adopts an ordinance or national model code
27 provision that is intended to govern the construction, renovation,

1 use, or maintenance of buildings and building systems in the
2 municipality shall delay implementing and enforcing the ordinance
3 or code provision for at least 30 days after final adoption to
4 permit persons affected to comply with the ordinance or code
5 provision.

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

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