

By: Gallegos

S.B. No. 1995

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of uniform residential building codes by political subdivisions.

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

SECTION 1. Sections 214.212(a) and (d), Local Government Code, are amended to read as follows:

(a) To protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2008 [~~2001~~], is adopted as a municipal residential building code in this state.

(d) A municipality may review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2008 [~~2001~~].

SECTION 2. Section 214.214(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), the National Electrical Code, as it existed on May 1, 2008 [~~2001~~], is adopted as the municipal electrical construction code in this state and applies to all residential and commercial electrical construction applications.

SECTION 3. Sections 214.216(a) and (d), Local Government Code, are amended to read as follows:

(a) To protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2008 [~~2003~~], is

adopted as a municipal commercial building code in this state.

(d) A municipality may review and consider amendments made by the International Code Council to the International Building Code after May 1, 2008 [~~2003~~].

SECTION 4. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.217 to read as follows:

Sec. 214.217. CONFLICTS WITH OTHER BUILDING CODES. A building-related code adopted by state statute, including the energy code adopted by Chapter 388, Health and Safety Code, prevails to the extent of any conflict with an ordinance, including a local amendment to a code, adopted under this subchapter.

SECTION 5. Chapter 233, Local Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. BUILDING CODES IN CERTAIN COUNTIES

Sec. 233.151. APPLICABILITY. This subchapter applies only to a county with a population of 25,000 or more any part of which is located within 100 miles of the Gulf of Mexico.

Sec. 233.152. DEFINITIONS. In this subchapter:

(1) "International Residential Code" means the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council.

(2) "National Electrical Code" means the electrical code published by the National Fire Protection Association.

(3) "Residential" means having the character of a detached one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures

1 of the dwelling, and that does not have the character of a facility
2 used for the accommodation of transient guests or a structure in
3 which medical, rehabilitative, or assisted living services are
4 provided in connection with the occupancy of the structure.

5 Sec. 233.153. INTERNATIONAL RESIDENTIAL CODE. (a) To
6 protect the public health, safety, and welfare, each county subject
7 to this subchapter by order shall adopt the International
8 Residential Code, as it existed on May 1, 2008, as a residential
9 building code in the unincorporated area of the county.

10 (b) The International Residential Code applies to all
11 construction, alteration, remodeling, enlargement, and repair of
12 residential structures in the unincorporated area of the county.

13 (c) The county may establish procedures:

14 (1) to adopt local amendments to the International
15 Residential Code; and

16 (2) for the administration and enforcement of the
17 International Residential Code.

18 (d) The county may review and consider amendments made by
19 the International Code Council to the International Residential
20 Code after May 1, 2008.

21 Sec. 233.154. EXCEPTIONS. (a) The International
22 Residential Code does not apply to the installation and maintenance
23 of electrical wiring and related components.

24 (b) A county subject to this subchapter is not required to
25 review and consider adoption of amendments to the International
26 Residential Code regarding electrical provisions.

27 Sec. 233.155. NATIONAL ELECTRICAL CODE. (a) Each county

1 subject to this subchapter by order shall adopt the National
2 Electrical Code, as it existed on May 1, 2008, as the county
3 electrical construction code for residential structures.

4 (b) The National Electrical Code applies to all residential
5 construction applications under this subchapter.

6 (c) The county may establish procedures:

7 (1) to adopt local amendments to the National
8 Electrical Code; and

9 (2) for the administration and enforcement of the
10 National Electrical Code.

11 Sec. 233.156. CONFLICTS WITH OTHER BUILDING CODES. To the
12 extent of any conflict with an order adopted under this subchapter:

13 (1) a municipal ordinance prevails within the
14 municipality's jurisdiction; and

15 (2) a building-related code adopted by state statute,
16 including the energy code adopted by Chapter 388, Health and Safety
17 Code, prevails.

18 Sec. 233.157. EXISTING COUNTY AUTHORITY UNAFFECTED. The
19 authority granted by this subchapter does not affect the authority
20 of the commissioners court of a county to adopt an order or
21 ordinance under other law.

22 SECTION 6. Before January 1, 2010, each county subject to
23 Subchapter E, Chapter 233, Local Government Code, as added by this
24 Act, shall take the actions necessary to implement that subchapter.

25 SECTION 7. This Act takes effect September 1, 2009.