

By: Goodwin

H.B. No. 1034

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to adopt a fire or wildland-urban interface code.

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

SECTION 1. The heading to Subchapter C, Chapter 233, Local Government Code, is amended to read as follows:

SUBCHAPTER C. FIRE AND WILDLAND-URBAN INTERFACE CODES [~~CODE~~] IN UNINCORPORATED AREA

SECTION 2. Section 233.061, Local Government Code, is amended to read as follows:

Sec. 233.061. AUTHORITY TO ADOPT AND ENFORCE FIRE CODE OR WILDLAND-URBAN INTERFACE CODE. (a) The commissioners court of a county [~~with a population of over 250,000 or a county adjacent to a county with a population of over 250,000~~] may adopt a fire code or a wildland-urban interface code, or both, and rules necessary to administer and enforce the codes [~~fire code~~].

(b) The commissioners court, or any municipality in the county, may contract with one another for the administration and enforcement of the codes [~~fire code~~].

SECTION 3. Section 233.062, Local Government Code, is amended to read as follows:

Sec. 233.062. APPLICATION AND CONTENT OF [~~FIRE~~] CODE. (a) A [~~The fire~~] code adopted under this subchapter may apply [~~applies~~] only [~~to the following buildings constructed~~] in an unincorporated

1 area of the county[+]

2 [~~(1) a commercial establishment,~~

3 [~~(2) a public building, and~~

4 [~~(3) a multifamily residential dwelling consisting of~~  
5 ~~four or more units~~].

6 (b) A [The] fire code adopted under this subchapter may  
7 ~~[does]~~ not apply to an industrial facility having a fire brigade  
8 that conforms to requirements of the Occupational Safety and Health  
9 ~~[and Safety]~~ Administration.

10 (c) A [The] fire code adopted under this subchapter must:

11 (1) conform to:

12 (A) the International Fire Code, as published by  
13 the International Code Council, as the code existed on May 1, 2005;  
14 or

15 (B) the Uniform Fire Code, as published by the  
16 National Fire Protection Association, as the code existed on May 1,  
17 2005; or

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

20 (c-1) A wildland-urban interface code adopted under this  
21 subchapter must conform to the International Wildland-Urban  
22 Interface Code, as the code existed on May 1, 2021.

23 (d) The commissioners court may adopt later editions of a  
24 ~~[fire]~~ code listed in Subsection (c) or (c-1).

25 (e) A code adopted under this subchapter may apply to only a  
26 portion of the unincorporated area of the county.

27 SECTION 4. Sections 233.063(a) and (c), Local Government

1 Code, are amended to read as follows:

2 (a) A person may not construct or substantially improve a  
3 building subject to a code adopted under this chapter [~~described by~~  
4 ~~Section 233.062(a)~~] in an unincorporated area of the county unless  
5 the person obtains a building permit issued in accordance with this  
6 subchapter.

7 (c) Within 30 days after the date the commissioners court  
8 receives an application and fee in accordance with Subsection (b),  
9 the commissioners court shall:

10 (1) issue the permit if the plan complies with the  
11 applicable codes adopted under this subchapter [~~fire code~~]; or

12 (2) deny the permit if the plan does not comply with  
13 the applicable codes adopted under this subchapter [~~fire code~~].

14 SECTION 5. Sections 233.064(a), (d), (f), (g), and (h),  
15 Local Government Code, are amended to read as follows:

16 (a) The county shall inspect a building subject to this  
17 subchapter to determine whether the building complies with the  
18 applicable codes adopted under this subchapter [~~fire code~~].

19 (d) On or before the date that construction or substantial  
20 improvement of a building subject to this subchapter is completed,  
21 the owner of the building shall request in writing that the county  
22 inspect the building for compliance with the applicable codes [~~fire~~  
23 ~~code~~].

24 (f) The county shall issue a final certificate of compliance  
25 to the owner of a building inspected under this section if the  
26 inspector determines, after an inspection of the completed  
27 building, that the building complies with the applicable codes

1 [~~fire code~~]. For a building or complex of buildings involving  
2 phased completion or build-out, the county may issue a partial  
3 certificate of compliance for any portion of the building or  
4 complex the inspector determines is in substantial compliance with  
5 the applicable codes [~~fire code~~].

6 (g) If the inspector determines, after an inspection of the  
7 completed building, that the building does not comply with the  
8 applicable codes [~~fire code~~], the county may:

9 (1) deny the certificate of compliance; or

10 (2) issue a conditional or partial certificate of  
11 compliance and allow the building to be occupied.

12 (h) A county that issues a conditional certificate of  
13 compliance under Subsection (g) shall notify the owner of the  
14 building of the violations of the applicable codes [~~fire code~~] and  
15 establish a reasonable time to remedy the violations. A county may  
16 revoke a conditional certificate of compliance if the owner does  
17 not remedy the violations within the time specified on the  
18 conditional certificate of compliance.

19 SECTION 6. Sections 233.065(c) and (d), Local Government  
20 Code, are amended to read as follows:

21 (c) The county shall deposit fees received under this  
22 subchapter in a special fund in the county treasury, and money in  
23 that fund may be used only for the administration and enforcement of  
24 a [~~the fire~~] code adopted under this subchapter.

25 (d) The fee for an [~~a fire code~~] inspection under this  
26 subchapter must be reasonable and reflect the approximate cost of  
27 the inspection personnel, materials, and administrative overhead.

1 SECTION 7. Section 233.066, Local Government Code, is  
2 amended to read as follows:

3 Sec. 233.066. INJUNCTION. The appropriate attorney  
4 representing the county in the district court may seek injunctive  
5 relief to prevent the violation or threatened violation of a [~~the~~  
6 ~~fire~~] code adopted under this subchapter.

7 SECTION 8. Section 233.067(a), Local Government Code, is  
8 amended to read as follows:

9 (a) The appropriate attorney representing the county in  
10 civil cases may file a civil action in a court of competent  
11 jurisdiction to recover from a person who violates a [~~the fire~~] code  
12 adopted under this subchapter a civil penalty in an amount not to  
13 exceed \$200 for each day on which the violation exists. In  
14 determining the amount of the penalty, the court shall consider the  
15 seriousness of the violation.

16 SECTION 9. This Act takes effect September 1, 2021.