

City of Houston, Texas, Ordinance No. 2008-_____

AN ORDINANCE AMENDING THE CITY OF HOUSTON BUILDING CODE AND RELATING TO THE SAFETY OF PERSONS OCCUPYING EXISTING BUILDINGS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

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WHEREAS, Section 54.004 of the Texas Local Government Code authorizes a home-rule municipality to enforce ordinances necessary to protect health, life, and property and to preserve the order and security of the municipality and its inhabitants; and

WHEREAS, as authorized by Section 214.216 of the Texas Local Government Code, the City Council adopted Ordinance No. 2006-5, which Ordinance in turn adopted the International Building Code, 2003 Edition (as modified by the Houston Building Code Modifications 2006 (the "Modifications")) as the City of Houston Building Code (the "Code"); and

WHEREAS, Section L101.2 of Appendix L to the Code (the "Appendix," which is entitled "Life Safety Requirements for Existing Buildings") presently requires the owner or owner's agent of a building subject to the said Appendix to bring the building into full compliance with the Appendix within two years from the date on which the "building official" (as defined in Section 103.1 of the Code) gives notice of the building's deficiencies; and

WHEREAS, the City Council has determined that the lives and property of the City's inhabitants will be better protected by shortening the deadline to bring buildings into compliance with the Appendix; and

WHEREAS, the City Council also has determined that a building owner who requests an extension of time to comply with the Appendix should submit documents supporting the owner's request; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and hereby are adopted as a part of this Ordinance.

Section 2. That the penultimate sentence of Section L101.2 of the City of Houston Building Code is hereby amended to read as follows:

"It shall be the duty of the owner or agent to bring the building into full compliance with this appendix chapter within six months from the date that notice is given of deficiencies of inspection except to the extent that an extension of time has been granted as provided in Section L109 of this appendix chapter."

Section 3. That Section L109.1 of the City of Houston Building Code is hereby amended to add the following sentence immediately after the list of three types of information to be included in the application that is the subject of the said Section:

"The application shall be accompanied by such documents (examples of which include affidavits, photographs, receipts, loan applications, and contracts with third parties) demonstrating that the owner has made substantial and timely attempts to bring the building into full compliance with this appendix chapter."

Section 4. That Section L109.1 of the City of Houston Building Code is hereby amended to add the following sentence at the conclusion of the said Section:

"The building official shall grant the application unless, after his review of the application, any supporting documents, and the totality of the circumstances, the official reasonably concludes that the extension will be contrary to the best interests of the inhabitants and any other users of the structure."

Section 5. That, if any provision, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

Prepared by _____
First Assistant City Attorney

Requested by Andy Icken, Deputy Director
Dept. of Public Works & Engineering