

City of Houston, Texas, Ordinance No. 2011- 656

AN ORDINANCE AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE BY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE AND THE ASHRAE 90.1 STANDARD, TOGETHER WITH LOCAL AMENDMENTS TO EACH, AS THE CITY'S COMMERCIAL ENERGY CONSERVATION CODE AND MAKING OTHER REVISIONS TO OTHER VOLUMES OF THE CONSTRUCTION CODE; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That the *City of Houston Construction Code*, adopted by Ordinance No. 2010-847, and amended by Ordinances Nos. 2010-993, 2010-1016, 2010-1064, 2011-19, and 2011-0547 is hereby amended as follows:

A. Section 108.4 of that volume known as the *City of Houston Building Code* is hereby amended to read as follows:

"108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a minimum investigation fee in addition to the required permit fees. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such fees shall not exempt any person from compliance with all other provisions of this code, nor from any penalty prescribed by law."

B. Section 117.1.16 of that volume known as the *City of Houston Building Code* is hereby amended to read as follows:

"117.1.16 Minimum Investigation fee. A minimum investigation fee shall be charged when work has commenced prior to the issuance of the proper permits. Each additional follow-up trip thereafter shall be charged a separate minimum investigation fee. All investigation fees shall be paid prior to the issuance of the required permits and in addition to any required permit fees.

Minimum Investigation fee \$256.32”

C. Section 117.8 of that volume known as the *City of Houston Building Code* is hereby amended to read as follows:

“**117.8 Signs.** Fees for all signs covered by the *Sign Code* shall be as follows:

1. Site inspections \$74.76
2. Electrical inspections - install and final..... \$ 74.76
3. Reinspection fee:
Site, hole and electrical, (all) \$74.76
4. Construction or reconstruction permit
For the first 32 square feet of one sign face or fraction thereof \$74.76
Each square foot or fraction thereof of one sign face exceeding 32 square feet \$0.43
5. Operating permit--on-premises signs:
For the first 32 square feet of sign face or fraction thereof
..... \$53.40
Each square foot of sign face or fraction thereof exceeding 32 square feet \$0.43
6. Operating permit. Off-premises signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rent, which signs are limited to 40 square feet in sign face area for a nonrenewable permit as authorized in Section 4612 (b) of the Sign Code
..... \$106.80
7. Operating permit. Off-premises signs other than as provided above \$53.40
8. New registration and each annual renewal for changeable message signs/high technology signs (per face) \$74.76
9. Replacement of lost or damaged operating tag \$74.76
10. Plan examination fee \$74.76
11. Plan reexamination due to alteration of approved plan \$74.76
12. New construction of ground sign exceeding 14'.....

..... \$2.14 per foot over 14 feet

In addition to the above fees, all other fees required by Section 117 shall be paid.”

D. Section 117.10 of that volume known as the *City of Houston Building Code* is hereby amended to read as follows:

“**117.10 Alarms, detectors, electronic locks, central station security testing.** Fees for alarms, detectors, central station security testing shall be as follows:

- 0-10 devices \$70
- 11-25 devices \$ 100
- 26-200 devices \$150
- For each additional device after the first 200 \$2.50

Fees for electronic locks shall be as follows:

- For the first two floors \$50
- For each additional floor after the first two floors..... \$15”

E. Section K103.7 of that volume known as the *City of Houston Building Code* is hereby amended to read as follows:

“**K103.7 Floor-to-floor tie.** Upper-level exterior wall studs shall be aligned and connected to the wall studs below with tie straps placed a maximum of 4 feet (1219 mm) on center and connected with a minimum of 6 eight penny nails per strap.”

F. Section 105.2 of that volume known as the *City of Houston Residential Code* is hereby amended to read as follows:

“**R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 8 feet (2438 mm) high that are not constructed of masonry or concrete.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Uncovered wood decks, accessory to a one- or two-family dwelling, that are not more than 30 inches above grade.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work including the repair of damaged gypsum board that is not part of a fire-rated assembly.
7. Prefabricated swimming pools accessory to a one- or two-family dwelling in which the pool walls are entirely above grade and the pool capacity does not exceed 5,000 gallons (18 927 L).
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Repair of exterior wood facia, trim, and soffits, as well as siding that does not exceed 128 square feet and is not part of a fire-rated assembly.
11. Roof covering that does not exceed 100 square feet.”

G. Section 108.6 of that volume known as the *City of Houston Residential Code* is hereby added to read as follows:

“108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the amount of the permit

fee and applicable minimum investigation fees required by the building code.”

H. Section 202 of that volume known as the *City of Houston Residential Code* is hereby amended by amending the definition of the term *repairs* to read as follows:

“**REPAIR.** The restoration to good or sound condition, with like materials, of any part of an existing building for the purposes of its maintenance”

I. Section AL103.7 of that volume known as the *City of Houston Residential Code* is hereby amended to read as follows:

“**AL103.7 Floor-to-floor tie.** Upper-level exterior wall studs shall be aligned and connected to the wall studs below with tie straps placed a maximum of 48 inches (1219) on center and connected with a minimum of 6 eight penny nails per strap.”

J. Section 103 of that volume known as the *City of Houston Electrical Code* is hereby amended by amending the definition of the term *electrical maintenance work* to read as follows:

“**ELECTRICAL MAINTENANCE WORK** is the repair or replacement of fixed motors, transformers, devices or fixed appliances of the same type and rating in the same location. The term does not include the installation of additional electrical work, electrical equipment or electrical apparatus.”

K. Section 301.4 of that volume known as the *City of Houston Electrical Code*, is hereby amended to read as follows:

“**301.4 Annual Maintenance Permit.** Upon making written application and payment of all applicable fees, a person having ownership or control over property may obtain an annual maintenance permit for the keeping in safe repair of any and all performing electrical maintenance work as defined by this code on existing electrical installations, apparatus and equipment in the

building and on the property on which the building is located if the applicant employs a person as a full-time employee who will actually perform the electrical maintenance work. A "full-time employee" shall mean an employee who works for the maintenance permit holder at least 36 hours per week. A permit for maintenance electrical work shall be valid for only one premise.

The fee for an annual maintenance permit shall be \$213.60 and shall be paid to the building official. An annual maintenance permit shall expire on September 30th of each year."

L. Section 301.4.1 is hereby added to that volume known as the *City of Houston Electrical Code* to read as follows:

"301.4.1 Maintenance Records. Each time that an electrical maintenance employee working under an annual maintenance permit performs electrical maintenance work, the employee shall make a record of the work. The records shall be maintained in a location agreed upon by the owner and the building official and made available upon request for inspection and copying by the building official and must be held on file for at least two years. These records shall contain the following information:

1. Name and address where work is performed.
2. Name of owner.
3. Date.
4. General nature of work performed."

M. Section 304.4 of that volume known as the *City of Houston Electrical Code* is hereby amended to read as follows:

"304.4 Investigation fees: Work without a Permit.

1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee, which is intended to cover additional costs associated with inspection of work commenced without a permit,

shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued, subject to applicable minimum investigation fees. The payment of an investigation fee shall not exempt any person from compliance with all other provisions of this code or from any criminal penalty prescribed by law."

N. Section 415 of that volume known as the *City of Houston Electrical Code* is hereby amended to read as follows:

"SECTION 415—REGISTRATION FEES

To obtain a registration, an applicant shall pay the applicable registration fee as follows:

| TYPE | REGISTRATION |
|---|--------------|
| Contractor | \$160.20 |
| Master Electrician of Record | \$160.20 |
| Sign Master Electrician of Record | \$160.20 |
| Residential Appliance Installation Contractor | \$160.20 |
| Residential Appliance Installer | \$160.20 |

All fees shall be prorated for each month the license is to be in effect based on a 12 month period.

An administrative fee as set forth in Section 117 of the Building Code shall be charged upon the preparation of each fee or deposit receipt issued by the building official. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit."

O. Section 114.3 of that volume of known as the *City of Houston Mechanical Code* is hereby amended to read as follows:

"114.3 Validity. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions

of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations, and other data shall not prevent the Authority Having Jurisdiction from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

A permit shall be valid only for the work performed by the licensed contractor or person covered under the Texas Occupations Code to whom the permit was issued. A new permit shall be obtained if the licensed contractor to which the permit was issued ceases to perform the work. The cost of the new permit shall be 50 percent of the original permit fee. In the case of the death of the original licensed contractor, the permit will be transferred to the new licensed contractor at a fee of 50 percent of the original permit fees, subject to a minimum fee of \$74.76 per permit.”

P. Section 115.5.2 of that volume known as the *City of Houston Mechanical Code* is hereby amended to read as follows:

“**115.5.2 Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued, subject to applicable minimum investigation fees. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.”

Q. Section 103.4.4.2 of that volume known as the *City of Houston Plumbing Code* is hereby amended to read as follows:

“**103.4.4.2** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued, subject to applicable minimum investigation fees. The payment of such investigation fee shall not exempt any person from

compliance with all other provisions of this code, nor from any penalty prescribed by law.”

R. Table 10-3 of that volume known as the *City of Houston Plumbing Code* is hereby deleted and replaced with the following:

**“TABLE 10-3
Gravity Grease Interceptor Sizing**

| DFUs (1,3) | Interceptor Volume (2) |
|-------------------|-------------------------------|
| 8 | 500 gallons |
| 21 | 750 gallons |
| 35 | 1,000 gallons |
| 90 | 1,250 gallons |
| 172 | 1,500 gallons |
| 216 | 2,000 gallons |
| 307 | 2,500 gallons |
| 342 | 3,000 gallons |
| 428 | 4,000 gallons |
| 576 | 5,000 gallons |
| 720 | 7,500 gallons |
| 2112 | 10,000 gallons |
| 2640 | 15,000 gallons |

Notes

- (1) The maximum allowable DFUs plumbed to the kitchen drain lines that will be connected to the grease interceptor.
- (2) This size is based on: DFUs, the pipe size from this code; Table 7-5; Useful Tables for flow in half-full pipes (ref.: *Mohinder Nayyar Piping Handbook*, 3rd Edition, 1992). Based on 30-minute retention time (ref.: George Tchobanoglous and Metcalf & Eddy. *Wastewater Engineering Treatment, Disposal and Reuse*, 3rd Ed. 1991 & Ronald Crites and George Tchobanoglous. *Small and Decentralized Wastewater Management Systems*, 1998). Rounded up to nominal interceptor volume.
- (3) When the flow rate of directly connected fixture(s) or appliance(s) have no assigned DFU values, the additional grease interceptor volume shall be based on the known flow rate (gpm) multiplied by 30 minutes.”

S. Section 4605(d) of that volume known as the *City of Houston Sign Code* is hereby amended to read as follows:

“(d) Operating Permit Effectiveness--Renewal Permit. Each operating permit issued shall be effective for a period of one year. Not less than 30 days nor more than 60 days prior to the conclusion of each permit year, applications may be made for a one year

extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Section 4605(c)(2). If the application for extension of permit fully meets the requirements of applicable law in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional one year period or such other time as may be required by law.”

Section 2. That the volume of the *City of Houston Construction Code* known as the *City of Houston Commercial Energy Conservation Code*, consisting of the *American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1-2004 (ASHRAE 90.1)* with the inclusion of local amendments prepared by the Building Official, which regulates minimum energy conservation requirements for new buildings, as adopted by Ordinance No. 2008-0383 and amended by Ordinances Nos. 2008-0705, 2009-0905, 2009-1051, and 2010-0847 is hereby replaced with the *International Energy Conservation Code*, 2009 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, and *ASHRAE Standard 90.1-2007*, as published by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329, on file with the City Secretary's Office and incorporated herein as **Exhibits A** and **B**, respectively, as modified by the documents entitled *2009 International Energy Conservation Code Amendments* and *City of Houston Amendments to ASHRAE 90.1-2007*, which are incorporated herein as **Exhibits A-1** and **B-1**, respectively.

Section 3. The modification documents, **Exhibits A-1** and **B-1**, have been prepared in legislative format. The stricken portions are for illustration of text that is not

adopted by the City of Houston and the underlining is for illustration of text added by the City of Houston. In some instances where an entire section is not adopted by the City of Houston, the section number is followed by the notation “**DELETE IN ITS ENTIRETY**”. In other instances where an entire table is not adopted by the City of Houston, but is replaced by a new table, the table number is followed by the notation “**DELETE IN ITS ENTIRETY AND INSERT THE FOLLOWING TABLE IN ITS PLACE.**”

Section 4. The provisions of the former City of Houston Commercial Energy Conservation Code, adopted as stated above, shall remain in full force and effect for the trial and punishment of all criminal violations thereof occurring before the effective date of this Ordinance, for the recovery of penalties and forfeitures incurred thereunder, and for the preservation of rights, privileges, obligations, liabilities and remedies established, accrued, accorded or incurred thereunder before the effective date of this Ordinance. All technical provisions thereof relating to the manner and methods of design, equipment and construction of any building or structure for which a completed building permit application is received in the Building Official's Office before the effective date of this Ordinance shall continue to apply to the construction work performed pursuant to the building permit, regardless of whether the building permit is issued before or after the effective date of this Ordinance.

Section 5. All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. That, if any provision, section, subsection, 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 unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. 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 at 12:01 a.m. on the 30th day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 3rd day of August, 2011.

Annise D. Parker
Mayor of the City of Houston

Prepared by Legal Dept. [Signature]
YSC:asw 7/1/2011 Assistant City Attorney
Requested by Daniel W. Krueger, P.E., Director, Department of Public Works and Engineering
L.D. File No. 0641100017001

REVISION PUBLISHED IN DAILY COURIER
DATE: AUG 09 2011

| AYE | NO | |
|---------|---------|-----------------|
| ✓ | | MAYOR PARKER |
| •••• | •••• | COUNCIL MEMBERS |
| ✓ | | STARDIG |
| ✓ | | JOHNSON |
| ✓ | | CLUTTERBUCK |
| ✓ | | ADAMS |
| ✓ | | SULLIVAN |
| | | HOANG |
| | | PENNINGTON |
| | | GONZALEZ |
| ✓ | | RODRIGUEZ |
| ✓ | | COSTELLO |
| ✓ | | LOVELL |
| ✓ | | NORIEGA |
| ✓ | | BRADFORD |
| ✓ | | JONES |
| CAPTION | ADOPTED | |