

City of Houston, Texas, Ordinance No. 2005- 1267

AN ORDINANCE AMENDING THE CITY OF HOUSTON FIRE CODE RELATING TO REQUIREMENTS FOR HIGH-RISE BUILDINGS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That the City of Houston Fire Code, which was adopted by Ordinance 2003-738 and previously amended by Ordinances Nos. 2004-1015 and 2005-859, is hereby amended as follows:

A. Section 101.2.1 is hereby amended to read as follows:

"**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. Appendices A, B, C, D, E, F, G, H, and J are hereby adopted and made part of this code."

B. A new Appendix J is added to read as set forth in Exhibit A, attached hereto.

Section 2. 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 3. 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 December 31, 2005.

PASSED AND APPROVED this 22 day of November, 2005.

Bill White
 Mayor of the City of Houston

all Prepared by Legal Dept. Thurville Danner *JA*
 KO:asw 11/03/2005 Assistant City Attorney
 Requested by Phil Boriskie, Chief, Houston Fire Department
 L.D. File No. 0350500731001

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
✓		GREEN
✓		BERRY
CAPTION	ADOPTED	

Appendix J

AUTOMATIC SPRINKLER SYSTEMS IN EXISTING HIGH-RISE BUILDINGS

SECTION J101 GENERAL

J101.1 Purpose. The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing high-rise buildings by providing for installation of automatic sprinkler systems in such buildings that do not already have such systems.

J101.2 Application. This appendix chapter shall apply to and the term "existing high-rise building" shall be construed to mean any high-rise building existing within the corporate limits of the city on December 31, 2005, and any high-rise building annexed into the corporate limits after that date.

Exception: The provisions of this appendix shall not apply to the following:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22 of the Building Code.
2. Open parking garages in accordance with Section 406.3 of the Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the Building Code.
4. Low-hazard special industrial occupancies in accordance with Section 503.1.2 of the Building Code.
5. Buildings with an occupancy in Group H in accordance with Section 415 of the Building Code.
6. Individually-owned dwelling units in high-rise buildings.

SECTION J102 DEFINITION

J102.1 Definition. The following term shall, for the purposes of this appendix, have the meaning ascribed in this section.

HIGH-RISE BUILDING. A building of any type of construction that has floors that are used for human occupancy located more than 75 feet above grade plane, as measured from the top of the floor surface.

SECTION J103
AUTOMATIC SPRINKLER SYSTEMS

J103.1 Required. All existing high-rise buildings shall be equipped with an automatic sprinkler system in accordance with NFPA 13 according to the compliance schedule set forth in Section J104.

SECTION J104
COMPLIANCE SCHEDULE

J104.1 Letter of intent. On or before December 31, 2006, or within one year after the date of annexation of the building into the jurisdiction, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with this section.

J104.2 Compliance check points. Except as provided by this section, owners of existing high-rise buildings shall comply with the following schedule for installation of automatic sprinkler systems:

1. On or before December 31, 2009, or within four years after the date of annexation of the building into the jurisdiction, a water supply in accordance with NFPA 13 shall be installed to all floors of the building, and the owner shall provide the code official with written plans for compliance with this appendix and schedules for completion of the work stated in the written plan
2. On or before December 31, 2014, or within nine years after the date of annexation of the building into the jurisdiction, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system.
3. On or before December 31, 2017, or within twelve years after the date of annexation of the building into the jurisdiction, the total square footage of the building shall be equipped with an operational automatic sprinkler system.

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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Retro-Fit Automatic Fire Sprinklers in High-Rise Buildings		Category	Page 1 of 1	Agenda Item 17
FROM: Phil Boriskie, Fire Chief		Origination Date 11-17-05	Agenda Date NOV 22 2005	
DIRECTOR'S SIGNATURE: <i>Phil Boriskie</i>		Council District affected: All		
For additional information contact: Phone: Laura Archibald 713.247.5080 Brooks Howell 713.437.6310		Date and identification of prior authorizing council action:		
RECOMMENDATION: Approve ordinance to amend the City of Houston Fire Code 1267				
Amount and Source Of Funding: None required			F&A Budget:	
<p>SPECIFIC EXPLANATION: The Fire Chief recommends adopting the proposed amendment to the City of Houston Fire Code. The amended Fire Code will require all existing un-sprinkled or partially sprinkled 'high rise' buildings install a National Fire Protection Association (NFPA) 13 automatic sprinkler system. Affected buildings must be in compliance with the new ordinance in no more than 12 years. Benchmark years are also included in the ordinance. A 'high-rise' building is defined in the building code as any building where the highest floor served is more than 75 feet above grade (usually 7 stories). This distance is related to the maximum height that a fire department ladder truck can reach. Fires above this level cannot be fought with conventional equipment.</p> <p>A twelve year time line for compliance has been tailored to the needs of building owners who require time to raise working capital for the required improvements, and to give them the maximum flexibility to accommodate tenant and long-term lease obligations. Additionally, an exception to the ordinance allows residential condominiums to install sprinklers in the common areas and corridors only, with sprinklers in individual residences optional.</p> <p>Timeline for compliance is as follows, as dated from passage of the ordinance:</p> <ol style="list-style-type: none"> 1. Within one year, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with the terms of the ordinance. 2. Within 4 years, a water supply in accordance with NFPA 13 shall be installed to all floors of the building. Over 95% of the affected buildings already meet this requirement. Additionally, a plan for implementation of the sprinkler system in compliance with the terms of the ordinance shall be submitted prior to the four year benchmark. 3. Within nine years, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system. <p>Within twelve years the total square footage of the building shall be equipped with an operational automatic sprinkler system.</p> <p>In 1981, the building code for the City of Houston was changed by the City Council to require all new high-rise buildings to be fully sprinkled. There are approximately 500 high-rise buildings in Houston, of which 221 (44%) will be affected by this ordinance. 177 of the buildings are partially sprinkled and 44 have no sprinklers at all. It is estimated that 100,000 high-rise building occupants are currently not protected by Automatic Sprinklers.</p>				
REQUIRED AUTHORIZATION				

REDLINE

"101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices A, B, C, D, E, F, G, ~~and H,~~ and J are hereby adopted and made part of this code."

Appendix J

AUTOMATIC SPRINKLER SYSTEMS IN EXISTING HIGH-RISE BUILDINGS

SECTION J101 GENERAL

J101.1 Purpose. The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing high-rise buildings by providing for installation of automatic sprinkler systems in such buildings that do not already have such systems.

J101.2 Application. This appendix chapter shall apply to and the term "existing high-rise building" shall be construed to mean any high-rise building existing within the corporate limits of the city on December 31, 2005, and any high-rise building annexed into the corporate limits after that date.

Exception: The provisions of this appendix shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22 of the Building Code.
2. Open parking garages in accordance with Section 406.3 of the Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the Building Code.
4. Low-hazard special industrial occupancies in accordance with Section 503.1.2 of the Building Code.
5. Buildings with an occupancy in Group H in accordance with Section 415 of the Building Code.
6. Individual dwelling units in high-rise condominiums.

SECTION J102 DEFINITION

J102.1 Definition. The following term shall, for the purposes of this appendix, have the meaning ascribed in this section.

HIGH-RISE BUILDING. A building of any type of construction that has floors that are used for human occupancy located more than 75 feet above grade plane, as measured from the top of the floor surface.

SECTION J103

AUTOMATIC SPRINKLER SYSTEMS

J103.1 Required. All existing high-rise buildings shall be equipped with an automatic sprinkler system in accordance with NFPA 13 according to the compliance schedule set forth in Section J104.

SECTION J104

COMPLIANCE SCHEDULE

J104.1 Compliance plan. On or before December 31, 2006, or within one year after the date of annexation of the building into the jurisdiction, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with this section.

J104.2 Compliance check points. Except as provided by this section, owners of existing high-rise buildings shall comply with the following schedule for installation of automatic sprinkler systems:

1. On or before December 31, 2009, or within four years after the date of annexation of the building into the jurisdiction, a water supply in accordance with NFPA 13 shall be installed to all floors of the building.
2. On or before December 31, 2014, or within nine years after the date of annexation of the building into the jurisdiction, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system.
3. On or before December 31, 2017, or within twelve years after the date of annexation of the building into the jurisdiction, the total square footage of the building shall be equipped with an operational automatic sprinkler system.

MAYOR'S REQUEST FOR EMERGENCY PASSAGE

To the Honorable City Council of the City of Houston:

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the ordinances set out in the attached agenda for the meeting of the City Council of the City of Houston on the 22nd day of NOVEMBER, 2005, with the request that all such ordinances, except those making a grant of any franchise or special privilege, be passed finally on the date of their introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if they meet with your approval.

DATE: NOVEMBER 22, 2005


Mayor of the City of Houston