

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

AN ORDINANCE AMENDING THE CITY OF HOUSTON BUILDING CODE AND ADOPTING ADDITIONAL LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS RELATING TO LAND USE REGULATIONS AT THE CITY'S AIRPORTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the 77th Texas Legislature, Regular Session (2001), adopted Subchapter G of Chapter 214 of the Texas Local Government Code, which became effective January 1, 2002, and made the 2000 International Residential Code as it existed on May 1, 2001, a statewide code for certain residential structures; and

WHEREAS, Section 214.212 (c) of the Texas Local Government Code allows municipalities to adopt certain local amendments and local administrative and enforcement provisions for the International Residential Code, and the City Council has previously adopted a Table of Houston Amendments for that purpose; and

WHEREAS, by Ordinance No. 2002-399, the City adopted the City of Houston Construction Code, subsequently amended numerous times; and

WHEREAS, by Ordinance No. 2006-5, the City amended the City of Houston Construction Code by adopting a new City of Houston Building Code, based on the International Building Code 2003 Edition and including the 2006 City of Houston Modifications ("Building Code"), which has been amended by Ordinance Nos. 2006-503, 2006-888, 2008-56, 2008-81, and 2008-853; and

WHEREAS, the City of Houston has previously adopted Ordinance No. _____* entitled "Airport Land Use Regulations" ("Ordinance") whereby certain land use restrictions were implemented for areas adjacent to George Bush Intercontinental Airport, William P. Hobby Airport, and Ellington Field ("Airports") in order to comply with certain Federal Aviation Administration regulations; and

WHEREAS, certain new construction, renovations, and enlargements of existing structures within the restricted areas adjacent to the Airports must meet a 45 dBA interior sound level in order to comply with the Ordinance; and

WHEREAS, the City Council of the City of Houston desires to amend the Building Code and adopt additional local amendments to the 2000 International

* Editor shall insert the appropriate Ordinance number.

Residential Code to establish construction standards which will meet the requirements set forth in the Ordinance: **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 are hereby adopted as a part of this Ordinance.

Section 2. That the Table of Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings, as adopted in Section 3 of Ordinance 2001-1154, as previously amended, is hereby further amended by amending Section R102.5 thereof to read as follows:

“R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in this section. Appendix A, Appendix B, Appendix C, Appendix H, Appendix L and Appendix M are hereby adopted and made part of this code.”

Section 3. That the Table of Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings, as adopted in Section 3 of Ordinance 2001-1154, as previously amended, is hereby further amended by adding a new Appendix M to read as set forth in Exhibit A, attached hereto and incorporated herein.

Section 4. That Section 101.2.1 of the City of Houston Building Code is hereby amended to read as follows:

“101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices E, K, L, M, and N including any amendments thereto adopted by this jurisdiction, are hereby adopted and shall be incorporated into and made part of this code.”

Section 5. That the City of Houston Building Code is hereby amended by adding a new Appendix N that reads as set forth in Exhibit B, attached hereto and incorporated herein.

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. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. 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 February 1, 2009.

PASSED AND APPROVED this ___ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. _____
RNR:asw 11/17/2008 Senior Assistant City Attorney
Requested by Richard M. Vacar, Director, Houston Airport System
L.D. File No. _____

EXHIBIT A

APPENDIX M

AIRPORT SOUND ATTENUATION REQUIREMENTS

SECTION AM101 GENERAL

AM101.1 Purpose. The purpose of this appendix is to set forth sound attenuation specifications for buildings when such sound attenuation is required by Article VI, Chapter 9 of the City Code to achieve an interior sound level of 45dBA.

AM101.2 Applicability. These provisions shall apply under circumstances where an airport land use permit is required under Section 9-381 a (2) or (3) of the City Code, and are in addition to other applicable building standards set forth elsewhere in this code.

AM101.3 Alternate compliance. Alternative means or methods which equal or exceed the standards set forth in these provisions may be used when approved by the building official in accordance with section R104.9 of this code.

SECTION AM201 DEFINITIONS

AM201.1 Definitions. For purposes of these provisions, the following words shall have the meaning shown herein.

SOUND TRANSMISSION CLASS (STC). An integer rating relating to the quality of sound attenuation for building partitions such as walls, ceilings, doors, and windows.

SECTION AM301 WALLS

AM301.1 General. The specific exterior wall assemblies set forth in AM 301.2 and AM301.3 shall include the interior finishes set forth therein.

Exception: Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of 40.

AM301.2 Brick veneer. When exterior walls are constructed using brick veneer, a minimum of ½ inch gypsum drywall shall be applied as the interior finish.

AM301.3 Vinyl or cement sidings. When exterior walls are constructed using vinyl or cement sidings, a minimum of 5/8 inch gypsum drywall shall be applied as the interior finish.

AM301.4 Other assemblies and materials. All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of 40.

SECTION AM401 WINDOWS

AM401.1 Windows. All windows shall have a minimum STC rating of 40 when tested in accordance with ASTM E 90.

AM401.2 Insulation at windows. The cavity between the wood framing and the window frame shall be insulated with fiberglass insulation or foam insulation to the depth of the window frame.

SECTION AM501 DOORS

AM501.1 Doors. All exterior doors shall have a minimum STC rating of 40 when tested in accordance with ASTM E 90.

Exception: An exterior door may have a tested or listed STC rating of less than 40 when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of 40.

SECTION AM601 ROOF/CEILING ASSEMBLIES

AM601.1 General. Roof/ceiling assemblies shall be constructed in accordance with the requirements of AM601.2 or AM601.3

Exception: Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of 40.

AM601.2 Ceilings with unconditioned attic space above. Ceilings with unconditioned attic space shall be insulated with a minimum of ½ inch gypsum drywall on the interior ceiling side covered with a minimum of 12 inches of blown in fiberglass insulation.

AM601.3 Ceilings without attic space above. Ceilings without attic space above shall be insulated with a minimum of 5/8 inch gypsum drywall on the interior side filled with a minimum of 9 inches of fiberglass batt insulation with a 1 inch air space between the roof sheathing and the fiberglass.

SECTION AM701 MECHANICAL SYSTEMS

AM701.1 Required systems. All heating, ventilation and air conditioning systems shall be central heating and air conditioning systems with ducted supply and return.

Exception: A ductless system may be utilized if the system does not require an exterior wall penetration(s).

EXHIBIT B

APPENDIX N

AIRPORT SOUND ATTENUATION REQUIREMENTS

SECTION AN101 GENERAL

AN101.1 Purpose. The purpose of this appendix is to set forth sound attenuation specifications for buildings when such sound attenuation is required by Article VI, Chapter 9 of the City Code to achieve an interior sound level of 45 dBA.

AN101.2 Applicability. These provisions shall apply under circumstances where an airport land use permit is required under Section 9-381 a (2) and (3) of the City Code, and are in addition to other applicable building standards set forth elsewhere in this code.

AN101.3 Alternate compliance. Alternative means or methods which equal or exceed the standards set forth in these provisions may be used when approved by the building official in accordance with section 104.11 of this code.

SECTION AN201 DEFINITIONS

AN201.1 Definitions. For purposes of these provisions, the following words shall have the meanings shown herein.

SOUND TRANSMISSION CLASS (STC). An integer rating relating to the quality of sound attenuation for building partitions such as walls, ceilings, doors, and windows.

SECTION AN301 WALLS

AN301.1 General. The specific exterior wall assemblies set forth in AN 301.2 and AN301.3 shall include the interior finishes set forth therein.

Exception: Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of 40.

AN301.2 Brick veneer. When exterior walls are constructed using brick veneer, a minimum of ½ inch gypsum drywall shall be applied as the interior finish.

AN301.3 Vinyl or cement sidings. When exterior walls are constructed using vinyl or cement sidings, a minimum of 5/8 inch gypsum drywall shall be applied as the interior finish.

AN301.4 Other assemblies and materials. All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of 40.

SECTION AN401 WINDOWS

AN401.1 Windows. All windows shall have a minimum STC rating of 40 when tested in accordance with ASTM E 90.

AN401.2 Insulation at windows. The cavity between the framing and the window frame shall be insulated with fiberglass or foam insulation to the depth of the window frame.

SECTION AN501 DOORS

AN501.1 Doors. All exterior doors shall be provided with a minimum STC Rating of 40 when tested in accordance with ASTM E 90.

Exception: An exterior door may have a tested or listed STC rating of less than 40 when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of 40.

SECTION AN601 ROOF/CEILING ASSEMBLIES

AN601.1 General. Roof/ceiling assemblies shall be constructed in accordance with the requirements of AN601.2 or AN601.3.

Exception: Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of 40.

AN601.2 Ceilings with unconditioned attic space above. Ceilings with unconditioned attic space above shall be insulated with a minimum of ½ inch gypsum drywall on the interior ceiling side covered with a minimum of 12 inches of blown in fiberglass insulation.

AN601.3 Ceilings without attic space above. Ceilings without attic space above shall be insulated with a minimum of 5/8 inch gypsum drywall on the interior side filled with a minimum of 9 inches of fiberglass batt insulation with a 1 inch air space between the roof sheathing and the fiberglass.