

City of Houston, Texas, Ordinance No. 2018-11

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, INCLUDING THE CITY OF HOUSTON CONSTRUCTION CODE AND THE CITY OF HOUSTON FIRE CODE, RELATING TO ESTABLISHING A NEW NAME FOR THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Department of Public Works and Engineering (“the department”) was created and is governed by Chapter 2, Article VIII of the Code of Ordinances, Houston, Texas (“the Code”); and

WHEREAS, the director of the department has determined that the department is better described by the name “Houston Public Works”; and

WHEREAS, various provisions of the Code relating to the department contain references to obsolete terms, functions and personnel titles; and

WHEREAS, the department recommends that Council adopt the proposed amendments to the Code, the City of Houston Construction Code, and the City of Houston Fire Code; **NOW, THEREFORE**,

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

Section 2. That the definitions of the terms *building official*, *city engineer*, and *utility official* in Section 1-2(a) of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“*Building official* means the director of Houston Public Works or such other person as the said director may designate to act as the chief construction code enforcement official of the city and the said official's designee. The term relates primarily to those Houston Public Works employees who are engaged in the administration and enforcement of the City of Houston Construction Code and related laws.”

"*City engineer* shall mean:

- (1) The director of Houston Public Works and the director's designee; or

- (2) The director of the general services department or the engineer designated by the director and that director's or engineer's designee, as applicable.

The term primarily relates to employees of Houston Public Works and the general services department who are engaged in acquisition, design and construction of public works and related projects."

"Utility official shall mean the director of Houston Public Works and the director's designee. The term primarily relates to those Houston Public Works employees who are engaged in activities relating to the delivery of water and wastewater services."

Section 3. That the title of Article VIII of Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"ARTICLE VIII. HOUSTON PUBLIC WORKS"

Section 4. That Section 2-276 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 2-276. Department created.

There is hereby created a department of the city to be known as Houston Public Works."

Section 5. That Section 2-278 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (c) that reads as follows:

"(c) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties upon the department of public works and engineering or the director thereof, then such references shall be construed to mean Houston Public Works and the director thereof."

Section 6. That Section 2-385 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 2-385. Assistance by certain city departments.

The directors of Houston Public Works, the planning and development department, the general services department, the human

resources department and the Houston Health Department and their staffs shall provide requested assistance to the commission. The city attorney and staff shall provide legal services and representation to the commission."

Section 7. That Section 2-435 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 2-435. Coordination.

The director shall coordinate the work of the department with the director of the finance department, Houston Public Works and other departments that have concurrent functions, and the various directors shall develop operating guidelines as necessary to ensure coordination of work and delivery of services."

Section 8. That Subsection (a) of Section 9-355 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The provisions of this article are cumulative of all other requirements of this Code and other laws and regulations of the city, including, without limitation, the Construction Code, the Fire Code and the Houston Public Works Infrastructure Design Manual, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law or regulation, and applicants and owners of developments that are not required to obtain a permit pursuant to this article are nevertheless required to obtain any other permits, licenses, and authorizations required by law. In the event of any conflict between any other city ordinance and this article, the provisions of this article shall control."

Section 9. That Subsection (a) of Section 9-705 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The provisions of this article are cumulative of all other requirements of this Code and other laws and regulations of the city, including, without limitation, the Construction Code, the Fire Code and the Houston Public Works Infrastructure Design Manual, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law or regulation, and persons who are not required to obtain a permit pursuant to this article shall nevertheless obtain any other permits, licenses, and authorizations required by law."

Section 10. That Subsection (b) of Section 10-752 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) The chief of police is primarily responsible for the enforcement of this article, in coordination with the fire chief, the city attorney, the director of public health, the director of the department of neighborhoods and the director of Houston Public Works, as appropriate to the circumstances of the violation."

Section 11. That Subsection (e) of Section 13-7 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(e) A person violating an executive order issued pursuant to this section may be issued a criminal citation enforceable in municipal court. The citation may be issued by any employee of the city so authorized in writing by the chief of police, the fire chief, the director of public health, the director of the department of neighborhoods, the director of the parks and recreation department, or the director of Houston Public Works."

Section 12. That Exhibit A to Rule 11, Division 11, entitled "Layoffs," of the Civil Service Rules for municipal employees, which appears following Section 14-145 in the Code of Ordinances, Houston, Texas, is hereby amended by deleting the term *Public Works and Engineering* and adding, in alphabetical order, the term *Houston Public Works*.

Section 13. That Section 23-1 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *public works director* and amending the definition of the term *public works official* to read as follows:

"*Public works official* means the director of Houston Public Works or the director's duly authorized designee."

Section 14. That Section 25-50 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *PWE director* and inserting, in alphabetical order, a new definition that reads as follows:

"Director of Houston Public Works means the director of Houston Public Works or the director's designee."

Section 15. That Item (1) of Section 25-56 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(1) Pay the costs of providing Houston Public Works employees to deploy and remove the traffic control devices if the director of Houston Public Works determines that the city does have available the resources and personnel necessary to deploy the appropriate traffic control devices for the proposed street function. Such costs must be paid not less than ten business days prior to the proposed street function date; or "

Section 16. That Item (4) of Subsection (b) of Section 25-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(4) The street function will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police and fire departments and Houston Public Works; or "

Section 17. That Section 25-101 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *PWE director* and inserting, in alphabetical order, a new definition that reads as follows:

"Director of Houston Public Works means the director of Houston Public Works or the director's designee."

Section 18. That Item (4) of Subsection (b) of Section 25-108 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police and fire departments and Houston Public Works; or "

Section 19. That the definition of the term *directors* in Section 25-151 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Directors* means the fire chief, chief of police, and traffic engineer, as well as the directors of the planning and development department, the administration and regulatory affairs department, and Houston Public Works and the director of any city department or other public agency that is acting as the host for a nationally competitively bid event or their designees."

Section 20. That Subsection (c) of Section 28-38 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) Employees of the police department, department of planning and development, department of solid waste management, Houston Public Works, and the department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee."

Section 21. That Subsection (c) of Section 28-39 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) Employees of the police department, department of planning and development, department of solid waste management, Houston Public Works, and department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee."

Section 22. That the introductory paragraph portion of Subsection (a) of Section 31-27 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The director of Houston Public Works or any assistant director of Houston Public Works is hereby authorized upon request of the surety to release the surety on the bond required herein from future

liability on such bond upon the conditions hereinafter provided and as further limited by subsection (b) hereof:"

Section 23. That Section 32-203 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 32-203. Assistance by certain city departments.

The directors of the department of planning and development, department of finance, department of administration and regulatory affairs, Houston Public Works, general services department, and parks and recreation department and their staffs shall provide requested assistance to the parks board. The city attorney and his staff shall provide legal services and representation to the parks board."

Section 24. That Section 33-351 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *director of public works and engineering* and inserting, in alphabetical order, a new definition that reads as follows:

"Director of Houston Public Works means the director of Houston Public Works or the director's designee."

Section 25. That Section 33-393 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 33-393. Duties and responsibilities of city departments and offices.

The directors of city departments, including but not limited to Houston Public Works, the parks and recreation department, the Houston Health Department, the police department, and the fire department, shall each designate a liaison to coordinate with the director regarding implementation and maintenance of the BMP and, when applicable, review and make recommendations to the director on proposed amendments to the BMP prior to commission consideration."

Section 26. That Subsection (g) of Section 38-4 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(g) Any railroad company that disagrees with any decision made by the traffic engineer under this section shall have ten days from the date

it was notified of that decision by the traffic engineer to appeal such decision to a three-member board to be known as the grade crossing review board. Such board shall be composed of the directors of Houston Public Works, the department of administration and regulatory affairs, and the department of planning and development or their designees. The director of Houston Public Works or designee shall serve as chairman of the grade crossing review board and notify the appealing railroad company in writing of the time and place for hearing such appeal."

Section 27. That Subsection (c) of Section 39-95 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) Upon completion of appropriate training, employees designated by the fire department, Houston Health Department, mayor's citizens' assistance office, police department, Houston Public Works, and solid waste management department are authorized to issue citations charging the violation of any of the provisions of this chapter. Duly trained and designated employees of the solid waste management department are also authorized to issue citations charging the violation of any provisions in this Code relating to solid waste, including but not limited to garbage, refuse, and dumpsters."

Section 28. That the definition of the term *director* in Subsection (b) of Section 40-261 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Director* shall mean the director of Houston Public Works and shall include the director's designee."

Section 29. That the definition of the term *design manual* in Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Design manual* shall mean the Houston Public Works Infrastructure Design Manual, as it may be amended from time to time."

Section 30. That Section 45-4 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 45-4. Houston Public Works.

The city's former department of traffic and transportation has been merged into Houston Public Works. Any reference in this Code or other ordinances or documents of the city to the department of traffic and transportation shall be construed to mean Houston Public Works. Similarly, any reference to the director of traffic and transportation or to the director of the traffic and transportation department shall be construed to mean the director of Houston Public Works."

Section 31. That the definition of the term *interdepartmental review committee* in Section 45-361 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Interdepartmental review committee* means a committee consisting of one representative each of the fire department, police department, department of planning and development, solid waste management department, and Houston Public Works."

Section 32. That Section 47-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"The term *department* when used in this chapter shall mean Houston Public Works and the term *director* shall mean the director of Houston Public Works except where the context requires otherwise."

Section 33. That Subsection (b) of Section 47-43 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) The director of Houston Public Works and the director of parks shall jointly promulgate rules and regulations regarding the transfer of irrigation systems, including criteria for city acceptance, and forms for the application and the deed of gift. Such rules and regulations shall be available:

- (1) At the office of the city secretary;
- (2) At the office of the director of parks; and
- (3) At the office of the director of Houston Public Works.

The rules and regulations established hereunder may be amended or supplemented from time to time as mutually agreeable to the director of Houston Public Works and the director of parks."

Section 34. That the definition of the term *design manual* in Section 47-601 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Authorized city official* shall mean the director or a deputy director of Houston Public Works, the city engineer, or the engineer in charge of the stormwater quality permitting."

"*Design manual* shall mean the Houston Public Works Infrastructure Design Manual, as it may be amended from time to time."

Section 35. That Section [A]103.1 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"**[A] 103.1 Creation of enforcement agency.** The Building Code Enforcement Branch is hereby created within the jurisdiction's department known as Houston Public Works, and the official in charge thereof shall be known as the *building official*."

Section 36. That Section 117.1 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"**117.1 Hearing notices.** Unless otherwise specifically provided, whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the *building official* is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's department known as Houston Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building."

Section 37. That the definition of the term *infrastructure design manual (IDM)* in Section 202 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"INFRASTRUCTURE DESIGN MANUAL (IDM). The design manual with latest revisions at the time of permit application that sets forth the standards for infrastructure design and construction as approved by the jurisdiction's Office of the City Engineer in the department known as Houston Public Works."

Section 38. That Section 3112.3.3 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"3112.3.3 Parking lots. The construction of parking lots shall be as required this section and Drawings 31-01 and 31-02 of Section 3112.4.5. Parking lots shall be designed to meet the loads as specified in Chapter 16. All driveway approaches and access to the parking lot shall be approved by the jurisdiction's Office of the City Engineer in the department known as Houston Public Works."

Section 39. That Sections 3112.4 through 311.2.4.4 of that volume of the City of Houston Construction Code known as the City of Houston Building Code are hereby amended to read as follows:

"3112.4 Work located in the jurisdiction's right-of-way. All work in the right-of-way shall be approved by the jurisdiction's Office of the City Engineer in the department known as Houston Public Works. Construction or repair of any sidewalk, driveway approach, curb or gutter shall comply with this section and Chapter 40, Article III, of the *City Code* and the IDM.

3112.4.1 Jurisdiction approval of plans and specifications. No person shall construct or cause to be constructed any driveway approach, sidewalk, private street, parking lot or alley connecting private property with a public street and there shall be no fill deposited in the right-of-way without prior approval of the jurisdiction's department known as Houston Public Works.

3112.4.2 Plot plan. A complete site plan shall be prepared to a reasonable scale and submitted to the jurisdiction's department

known as Houston Public Works and the jurisdiction's Department of Planning and Development showing the following information:

1. All right-of-way lines and property lines that bound the property planned for improvement.
Width and design of all existing driveways, driveway approaches, sidewalks, and median openings as they exist on the ground.
3. Existing conditions between the right-of-way line and the traveled roadway, including curbs, ditches, storm sewer inlets, manholes, utility boxes, utility poles, fire hydrants, trees, etc. If median islands exist, the next median opening on each side of the property and any trees within the median adjacent to the property.
4. If open ditches exist, the diameter size and invert elevation of the nearest existing culvert pipe upstream and downstream.
5. The complete intersection when property planned for improvement fronts a "T" intersecting street.
6. All existing on-site conditions with dimensions when property is being improved with add-on construction, remodeling, accessories, repairs, erection of building parking lots or any other improvements.
7. All proposed driveways and sidewalks, and the existing right-of-way conditions for a minimum fifteen feet beyond the property line on each side.

3112.4.3 Driveway approach approval. Upon receipt of an application for a driveway approach permit, the jurisdiction's Office of the City Engineer in the department known as Houston Public Works shall make a determination, pursuant to the guidelines set out in Section 40-86 of the *City Code*, as to whether the driveway approach applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public.

If after review the jurisdiction's Office of the City Engineer in the department known as Houston Public Works finds that the plans comply with all applicable codes and ordinances, the Office of City Engineer shall approve the plans.

3112.4.4 Sidewalks. When required by chapter 10 of the IDM, public sidewalks shall be constructed in accordance the applicable IDM Public Works drawing number for the specified location and site conditions."

Section 40. That Sections 3112.4.7 and 3112.4.8 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"3112.4.7 Street curb and gutter replacement. Where construction of driveway approaches and sidewalks will require the removal and replacement of curb and gutter over a continuous run in excess of 25 percent of any one block, a plan shall be submitted to the jurisdiction's Office of the City Engineer in the department known as Houston Public Works. In addition to all other applicable requirements in this section, the plans shall comply with the IDM.

3112.4.8 Alley paving. The requirements for paving a public alley are identical to those for paving a public street. Plan-profile type of drawings prepared by a licensed professional engineer in the State of Texas and approved by all appropriate jurisdiction departments are required. Figure 10.06-10 and 10.06-11 of the IDM will govern the design and construction of alleys. A separate paving permit issued by the jurisdiction's department known as Houston Public Works and a separate paving bond will be required prior to any construction."

Section 41. That Item 7 of Section 3112.4.12 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"7. Any area where the jurisdiction's department known as Houston Public Works finds that it would not provide reasonable access to the private property consistent with the safety and convenience of the traveling public."

Section 42. That Section 3112.6 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"3112.6 Drainage. All paved areas including, but not limited to, alleys, yards, courts and courtyards shall be drained into a storm sewer system where such systems are available; otherwise, they shall be drained to a place of disposal approved by the jurisdiction's Office of the City Engineer in the department known as Houston Public Works. For other than single

family residential properties, storm water drainage shall not discharge or flow over any public sidewalk or adjoining property. When required by Chapter 9 of the IDM detention shall be required."

Section 43. That Section 3304.1.7 of that volume of the City of Houston Construction Code known as the City of Houston Building Code is hereby amended to read as follows:

"3304.1.7 Public property. The person causing any excavation to be made shall prevent the movement of the earth of adjoining properties and the trees and natural objects thereon or therein and shall be responsible for maintaining or restoring public sidewalks, curbs and pavements, and the properties of public utilities that may be affected by the excavation. The maintenance or restoration of sidewalks, curbs and pavements shall be performed in accordance with the grades, levels and other requirements of the jurisdiction's department known as Houston Public Works, and the maintenance or restoration of the property of public utilities shall be in accordance with the procedures established by the owners thereof for new construction."

Section 44. That Section 109.1 of that volume of the City of Houston Construction Code known as the City of Houston Commercial Energy Conservation Code is hereby amended to read as follows:

"109.1 Hearing notice. Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the code official is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's department known as Houston Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building."

Section 45. That Section 101.2 of that volume of the City of Houston Construction Code known as the City of Houston Fire Code is hereby amended to read as follows:

"A101.2 Organization. There is hereby created a Board of Appeals, consisting of 11 members. Five members at a meeting shall constitute a quorum. The positions on the board shall be filled as follows:

- Position 1. By a well-respected citizen of the jurisdiction.
- Position 2. By the *fire code official* or his duly authorized representative, who shall provide a board secretary.
- Position 3. By the fire chief or his duly authorized representative.
- Position 4. By the jurisdiction's director of Houston Public Works or his duly authorized representative.
- Position 5. By a well-respected citizen of the jurisdiction, who shall serve as chairman.
- Position 6. By a professional engineer registered as such under the laws of Texas, who shall be actively engaged in the practice as a fire protection engineer.
- Position 7. By a person who is a member of the Building Owners and Managers Association of Houston.
- Position 8. By a person who is engaged or employed in the chemical or petroleum industry.
- Position 9. By a person who is a member of the Houston Apartment Association.
- Position 10. By a person who is fire protection contractor.
- Position 11. By a person who is an architect registered by the State of Texas.

The legal department shall have an attorney present for each board meeting, who shall advise the board on legal matters relative to topics under board jurisdiction.

The fire chief, the *fire code official*, and the director of Houston Public Works may each designate in writing a person under his supervision to act in his place as his duly authorized representative. The representative designation shall be filed in the minutes of the board.

With the exception of the fire chief, the *fire code official*, and the director of Houston Public Works, members of the board shall be appointed by the mayor, subject to confirmation by the city council, and

shall serve for a term of two years. The terms of the appointees for Positions 1, 6, 7, and 9 commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year. The terms of the appointees for Positions 5, 8, 10 and 11 commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. Members shall hold over until a successor is appointed and qualified.

Whenever any position on the board becomes vacant by reason of death, resignation or removal, the vacancy shall be filled for the unexpired term of the member being replaced. Should a vacancy occur on the board, the mayor shall appoint, subject to confirmation by the city council, another qualified person to serve the unexpired term of the vacancy. Any member of the board may be removed at any time by the mayor without consent of the city council."

Section 46. That Sections 102.6.1 and 102.6.2 of that volume of the City of Houston Construction Code known as the City of Houston Plumbing Code are hereby amended to read as follows:

"102.6.1 Hearing Notices. Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested. If notice is being given to a building owner or to a tenant therein, and the Authority Having Jurisdiction is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's department known as Houston Public Works, the County Appraisal District, the electrical utility company and the gas utility company, notice shall be mailed to the billing addresses of the building as shown on the records of the Water Division of the jurisdiction's department known as Houston Public Works and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

102.6.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the director of the jurisdiction's department known as Houston Public Works or a representative, who shall hereinafter be referred to as the hearing official. The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing

official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing."

Section 47. That Section 607.4 of that volume of the City of Houston Construction Code known as the City of Houston Plumbing Code is hereby amended to read as follows:

"607.4 When Required. When the water pressure from the public water main during flow is insufficient to supply fixtures that are likely to be in simultaneous operation, the supply shall be from a gravity house tank, pressure tank, or booster system.

No pumps are permitted to take suction directly from a jurisdiction main.

Exception: Pumps may be allowed to take suction from the jurisdiction main when approved by the Authority Having Jurisdiction if the main is of sufficient size as determined and approved by the Water Engineering Division of the jurisdiction's department known as Houston Public Works."

Section 48. That Section R103.1 of that volume of the City of Houston Construction Code known as the City of Houston Residential Code is hereby amended to read as follows:

"R103.1 Creation of enforcement agency. The Building Code Enforcement Division safety is hereby created within the jurisdiction's department known as Houston Public Works, and the official in charge thereof shall be known as the *building official*."

Section 49. That the Code of Ordinances, Houston, Texas, including all volumes of the City of Houston Construction Code and the City of Houston Fire Code, as amended by the preceding Sections of this Ordinance, is hereby amended by replacing, wherever they appear therein, including captions and titles, the following terms:

director of public works and engineering of the City of Houston

director of public works and engineering

director of the city's department of public works and engineering

director of the city's public works and engineering department

director of the department of public works and engineering of the city

director of the department of public works and engineering

director of the public works and engineering department of the city

director of the public works and engineering department

public works and engineering director

public works director

PWE director

with the term:

director of Houston Public Works.

Section 50. That the Code of Ordinances, Houston, Texas, including all volumes of the City of Houston Construction Code and the City of Houston Fire Code, as amended by the preceding Sections of this Ordinance, is hereby amended by replacing, wherever they appear, the following terms:

City of Houston Department of Public Works & Engineering's

the city's department of public works and engineering

the department of public works and engineering

the public works and engineering department

with the term:

Houston Public Works.

Section 51. That the Code of Ordinances, Houston, Texas, including all volumes of the City of Houston Construction Code and the City of Houston Fire Code, as amended by the preceding Sections of this Ordinance, is hereby amended by replacing, wherever it appears, the phrase *those public works and engineering department employees* with the phrase *those Houston Public Works employees*.

Section 52. That the incumbent director of the Department of Public Works and Engineering upon the effective date of this Ordinance shall continue to serve as the director of Houston Public Works as though she had been appointed and confirmed to the office of director of Houston Public Works.

Section 53. To the extent that the Code of Ordinances, Houston, Texas, or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former Department of Public Works and Engineering or upon the employees or director thereof, then such references shall be construed to mean the department known as Houston Public Works and the employees and director thereof.

Section 54. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 55. 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 56. 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; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 10th day of January, 2018.

APPROVED this 10th day of January, 2018.

Sylvester Turner

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____

NEK:asw 1/8/2018 Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E., Director, Department of Public Works and Engineering

L.D. File No. 0631700240001