

West University Place, the Texas Municipal League and the Texas Association of Fire Chiefs have something in common. All have asked Governor Rick Perry to veto Senate Bill 1410. SB1410 prevents a city from having a residential fire sprinkler ordinance.

About a month ago, The City of West University Place passed an ordinance requiring residential fire sprinklers in new homes. The West U fire chief recommended this change and it was unanimously passed by the West U city council.

Along came State Rep. John Otto, from Dayton. He used a skillful maneuver in the last week of the legislative session to amend an unrelated bill dealing with the classification of plumbers. Otto's amendment nullified the West University Place ordinance.

On June 11, Rep. Otto wrote an opinion piece in this newspaper. Otto says he was trying "to protect the ultimate local control." I am sure Rep. Otto was sincere. But his amendment does the opposite of protecting local control – it assaults local control.

Otto stated that "...the International Code Council (ICC) at its annual meeting last year that changed the International Residential Code (IRC) to essentially require all new homes to be equipped with costly fire sprinkler systems. The IRC is the building code the state requires all local cities to adopt for residential construction." As a result, according to Otto, "I filed H.B. 1511 (amended into SB 1410) to protect the ultimate local control, the homeowners, from this abuse."

There is no doubt Rep. Otto offered his amendment and penned his opinion piece in good faith. But Rep. Otto relied on misinformation.

While the base residential building code in Texas is the International Residential Code (IRC), it is the IRC 2000, not 2009. Texas Local Government Code Sec. 214.212 states clearly, "...To protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2001, is adopted as a municipal residential building code in this state... A municipality may review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2001."

IRC 2000 was the code on May 1, 2001. The Local Government Code does not require municipalities to adopt changes to the IRC after the 2000 version.

What does Rep. Otto's amendment do? If Governor Perry doesn't veto SB1410, the state government will take away each municipality's ability to make their own decisions about residential fire sprinklers. One size does not fit all.

West University Place is less than two square miles. We have about 5700 homes and 15,000 residents. We are a densely populated community. Our lots are small and houses close. Fires often spread to multiple structures and affect several property owners.

The preemptive law was authored by a State Legislator whose district office is in Dayton, 43 miles from the City of West University Place. Cows graze in Dayton, we have no

grazing cows in West U. Dayton is a rural area with different dynamics than our urban community. If the Dayton City Council doesn't want fire sprinklers, that is their local option under current law. But a Dayton resident, even if he is a State Legislator, should not be able to write the building code for all cities in Texas.

Local control has always been a fundamental tenant of the Texas philosophy of government. Senate Bill 1410 squarely attacks the philosophy of local control.

The City of West University Place and the Texas Municipal League join the Texas Fire Chiefs Association in asking Governor Perry to veto Senate Bill 1410.

George Boehme

George Boehme is a 20-year resident of the City of West University Place and a member of the West University Place City Council.