

ORDINANCE NO. 15-039

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 21, "MECHANICAL AND AIR CONDITIONING CODE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" BY ADOPTING, WITH AMENDMENTS, THE "2012 INTERNATIONAL FUEL GAS CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2015; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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**WHEREAS**, the City of Galveston is currently operating under the "2009 International Fuel Gas code". The Department of Planning of the City of Galveston (staff) desires to keep the City of Galveston current with recent codes pertaining to construction and development; and,

**WHEREAS**, internationally, code officials recognize the need for modern, up-to-date building codes addressing the design and installation of building systems through requirements emphasizing performance. The "2012 International Fuel Gas Code ("IFGC") is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small; and,

**WHEREAS**, in addition to updating the existing regulations relating to mechanical permitting, Staff is proposing amendments relating to the placement and installation of HVAC systems; and,

**WHEREAS**, in accordance with the Comprehensive Plan objectives relating to improving the permit process, Staff has presented the proposed code updates and amendments to the Building Board of Adjustments and Appeals. The Building Board of Adjustments and Appeals is comprised of local builders, architects, engineers, developers, electrical, mechanical and plumbing contractors, and was formed with the intent to have local input into the permit process as well as review potential amendments to regulatory codes.

**WHEREAS**, Staff recommends adopting, the "2012 International Fuel Gas Code" (IFGC), with amendments, which is adopted by reference in the "2012 International Mechanical Code"; and,

**WHEREAS**, Staff recommends amending Chapter 21, "Mechanical and Air Conditioning Code" of the "Code of the City of Galveston 1982, as amended" to update related permit fees and penalties; and,

**WHEREAS**, Staff recommends amending Chapter 21, "Mechanical and Air Conditioning Code" of the "Code of the City of Galveston 1982, as amended", Article II. International Fuel Gas Code"; and,

**WHEREAS**, the City Council of Galveston deems it to be in the public interest to amend Chapter 21, "Mechanical and Air Conditioning Code" of the "Code of the City of Galveston 1982, as amended", by adopting the "2012 International Fuel Gas Code" with amendments as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The "Code of the City of Galveston 1982, as amended", Chapter 21, "Mechanical and Air Conditioning Code", Article II, "Fuel Gas Code" is hereby amended to read and provide as follows:

**Sec. 21-21. Adopted.**

The ~~2009~~ 2012 International Fuel Gas Code, hereinafter referred to as the "Fuel Gas Code of the City of Galveston" (Fuel Gas Code) copies of which have this day been exhibited to and approved by the City Council and certified copies of which are on file in the respective offices of the City Secretary and the Building Official of the City, is hereby adopted by reference and declared to establish the minimum regulations governing the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, save and except such portions as are hereinafter deleted, amended, varied or modified.

**Sec. 21-22. - Amendments to the ~~2009~~ 2012 International Fuel Gas Code.**

The ~~2009~~ 2012 International Fuel Gas Code adopted pursuant to the foregoing provisions of this chapter is hereby modified and amended to the extent set forth in that document entitled "City of Galveston ~~2009~~ 2012 IFGC Amendments", which is hereby incorporated as "Appendix F" which document is hereby adopted, its contents and provisions being incorporated herein by reference, and same being available for inspection and copying in the respective offices of the City Secretary and Building Official.

The ~~2009~~ 2012 International Fuel Gas Code is adopted with the following selected appendices, A, B, C, and D, which may be modified and amended as shown in Appendix F.

~~The Building Division of the Department of Planning and Community Development~~ of the City of Galveston is subject to all applicable City Charter, City Code, and Personnel Rules and Regulations pertaining to jurisdiction and employment. No provision contained in the Fuel Gas Code governing the employment, staffing, hiring, termination, or discipline of an official or employee shall apply. Furthermore, the Fuel Gas Code shall not govern the appointment, liability and legal defense of any officer or employee.

**Sec. 21-23. Schedule of Mechanical Permit Fees.**

Permit fees shall be required and fees applied to the extent set forth in that certain document entitled "2009 2012 IFGC Schedule of Mechanical Permit Fees" which is incorporated as "Appendix E" to the 2009 2012 International Fuel Gas Code, which document is hereby adopted, its contents and provisions being incorporated herein by reference, and being available for inspection and copying in the respective offices of the City Secretary and the Building Official.

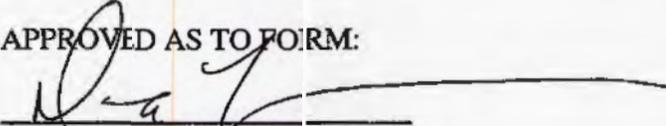
**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 6.** This Ordinance shall be and become effective on July 1, 2015 after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

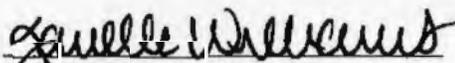
APPROVED AS TO FORM:

  
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DONNA M. FAIRWEATHER  
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on June 11, 2015 as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 15 day of June, 2015.



  
Secretary for the City Council  
of the City of Galveston

## APPENDIX E

### 2009 2012 IFGC SCHEDULE OF MECHANICAL PERMIT FEES

Fees for mechanical work shall be as indicated in the following schedule

Description	
Split systems	Base fee of \$25.00 + \$5.50 per ton (each system)
Package Units *PTAC's	Base fee of \$25.00 + \$4.50 per ton (each system)
Refrigeration	Base fee of \$25.00 + \$4.50 per ton (each system)
Cooling Tower	Base fee of \$25.00 + \$3.50 per ton (each system)
Cooling Tower with Air Handlers	Base fee of \$25.00 + \$5.50 per ton (each system)
Chiller or Air Handler	Base fee of \$25.00 + \$3.50 per ton (each system)
Chiller with Air Handlers	Base fee of \$25.00 + \$5.50 per ton (each system)
Ducts - Not part of new install	Base fee of \$25.00 + \$2.00 per drop
Ventilating System 2000 CFM or Greater	Base fee of \$40.00 (per unit)
Dehumidifier, Whole House	Base fee of \$40.00 (per unit)
Dehumidifier, Commercial	Base fee of \$25.00 + \$3.50 per ton (each unit)
Boilers	Base fee of \$25.00 + \$3.00 per BHP (each unit)
Fire Places, all types	Base fee of \$40.00 (per unit)
Ranges/Ovens - Commercial	Base fee of \$35.00 (per unit)
Clothes dryers/dry clean machines - Commercial	Base fee of \$35.00 (per unit)
Vent Hood - Commercial	Base fee of \$35.00 (per unit)
Re-inspection Fee (1 <sup>st</sup> visit)	\$50.00
Re-Inspection Fee (2 or more visits to the same property)	\$200.00

- (1) If a person makes application for permit, after the work has started, or after the work has been partially completed or concealed, he shall pay double the fee or fees which would ordinarily be required or \$100.00, whichever is greater.
- (2) The provisions of this subsection shall not apply to emergency work if the City of Galveston has been notified within 48 hours of the time the work was done.
- (3) All such fees shall be paid to the building official. All permit fees and fees for first inspections shall accompany the permit application.
- (4) There shall be a registration fee charged and collected by the air conditioning inspector for all state licensed air conditioning contractors in the amount of Two hundred dollars (\$200.00) to be used for the administration of the air conditioning code. Additionally there will be an annual \$25.00 renewal fee.

## APPENDIX F

### CITY OF GALVESTON 2009 IFGC AMENDMENTS

**Chapter 1, "Scope and Administration"** of the "2009 2012 International Fuel Gas Code" ("IFGC") is hereby amended to read and provide as follows:

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**102.13- Non-Licensed Contracting.** Any person that performs any work as outlined in Section 104.5 without having a valid Texas Department of Licensing and Regulation license (for the class of work they are performing) will be guilty of a misdemeanor, unless exempted by Title 8, Chapter 1302.

**103.13- Non-Licensed Contracting.** Any person that performs any work as outlined in Section 104.5 without having a valid Texas Department of Licensing and Regulation license (for the class of work they are performing) will be guilty of a misdemeanor, unless exempted by Title 8, Chapter 1302.

**103.2.1 - Restrictions on appointment.** No person shall be appointed as inspector of air conditioning or mechanical refrigeration who has not had at least five (5) years' experience as an air conditioning or mechanical refrigeration inspector, journeyman contractor, engineer or as a superintendent, foreman or competent mechanic in charge of air conditioning or mechanical refrigeration.

~~**104.8 Homeowner's privilege.** Nothing in this Code shall prevent any homeowner, (non-commercial property), from installing and maintaining air conditioning or refrigeration within his own property boundaries and such air conditioning and refrigeration work is done by him or by his family and done in compliance with the requirements of all applicable ordinances of the City of Galveston. The property must be a current residence (homestead) prior to and subsequent to the installation of the equipment. (Texas Civil Statutes, Article 8861, Section 6 Exemptions)~~

**106.6.1 - Work commencing before permit issuance.** Any person who commences work on a ~~an installation~~ mechanical system before obtaining the necessary permits shall be subject to ~~100 percent of the usual permit fee in addition to the required permit fees, a double permit fee or~~ \$100.00 whichever is greater.

#### **106.6.2 Fee Schedule.**

The fees for fuel/gas work shall be as indicated Section 106.5.2 of the ~~2009~~ 2012 IMC

**106.6.3- Fee Refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than seventy-five (75) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original Permittee not later than 180 days after the date of fee payment.

**108.4 - Violation penalties.** Persons who ~~shall~~ violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official Plumbing or Mechanical Inspector, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class "C" misdemeanor, punishable by a fine of not more than \$500.00. The maximum penalty for offenses arising under such code governing fire safety, public health and sanitation shall not exceed the sum of two thousand dollars (\$2,000.00) each day a violation continues shall constitute a new and separate offense. ~~dollars or by imprisonment not exceeding [number of days], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

**108.5 - Stop Work Orders.** Upon notice from the ~~code official~~ Plumbing or Mechanical Inspector that plumbing or mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the ~~code official~~ Plumbing or Mechanical Inspector shall not be required to give a written notice prior to stopping the work. ~~Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [amount] dollars or more than [amount] dollars.~~ Upon refusal, failure or neglect of the person with a "stop-work order" to comply with the requirements of the order to abate the unsafe conditions of such work, the ~~building official~~ Plumbing or Mechanical Inspector shall institute the appropriate action in the courts to compel compliance. Failure to comply with a "stop-work order" may result in a fine of double the permit fee or \$100.00 whichever is greater.

**Section 109 – "Means of Appeal"** Shall be deleted in its entirety and amended to read and provide as follows.

Refer to Chapter 10, Article II. Building Board of Adjustments and Appeals of the Code of the City of Galveston.

**CHAPTER 3 "General Regulations"** shall be amended to read and provide as follows:

**301.10 - Wind resistance.** Mechanical equipment, Appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in

accordance with the 2006 International Building Code. (130 mph 3 second burst and 114 mph sustained)

**303.3 Prohibited locations.** Shall be deleted in its entirety and amended to read and provide as follows:

**303.3 Prohibited locations.** Fuel-fired appliances shall not be located in or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.
6. Sealed attic spaces, (attic spaces that have foam insulation installed on the under side of the roof deck and all means of ventilation to this space sealed) if the furnace has an efficiency rating of less than 90%+ and is not a two pipe system. These units must have combustion air from an outside source sized as per manufacturer's installation instructions.

Exception: This section shall not apply to the following appliances:

1. Direct vent appliances, provided that the room is not a confined space and the building is not of unusually tight construction.
2. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoor, in accordance with Chapter 7. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an approved self-closing device.
4. Sealed combustion appliances may be installed in sealed attic systems. (Refers to Item #6 above.)

**306.1.1 Central furnaces.** Central furnaces within compartments or alcoves shall have a minimum working space clearance of ~~3 6~~ inches along the sides, back and top with a total width of the enclosing space being at least ~~12~~ 24 inches wider than the furnace. Furnaces having a firebox open to the atmosphere shall have at least 6 inches working space along the front combustion chamber side. Electric furnaces shall have at least 3 inches working space along the front side of the furnace. Electric furnaces shall have at least 3 inches of working space along the front side of the furnace.

Exception: This section shall not apply to replacement appliances installed in existing compartments and alcoves where the working space clearances are in accordance with the equipment of appliance manufacturer's installation instructions.

**306.3 - Appliances in attics.** Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of

the largest appliance. There must be a disappearing staircase with a minimum opening width of 22" and rated at 350 lb. This disappearing staircase is required for both new and replacement installations. The disappearing staircase, walkway and platform must be installed at the time of mechanical rough-in inspection.

The passageway shall not be less than 30 inches (762 mm) 48" inches high and 22 inches (559mm) 24" wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening of the appliance. from the point of attic access to the equipment location and not more than 20' from the access. The passageway shall have a continuous solid flooring of 3/4" plywood or 3/4" OSB not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. decked with of 3/4" plywood or 3/4" OSB not less than 72 inches deep and 96 inches wide shall be provided for equipment installation. The equipment must be installed on said platform with a minimum working space on the operator side of 30". Additionally the platform and level service space and walkway must be installed in accordance with the 2009 IECC. (This code requires that attic deck insulation not be compressed):

**Exceptions;**

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening. If utilizing this exception, an 18 inch access space must still be provided to the non-operator side of the equipment, measured from the top rear of the air handler. This exception does not preclude the use of a disappearing staircase.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 24 inches wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

**306.3.1 - Electrical requirements.** A luminaire lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with NFPA-70 the National Electrical Code, as amended. All equipment must be provided with a means of electrical disconnect apart from any disconnect means provided in the equipment.

**306.4.1 - Electrical requirements.** A luminaire lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with NFPA-70 the National Electrical Code, as amended.

**306.5.2 - Electrical requirements.** A receptacle outlet shall be provided at or near the appliance location in accordance with NFPA-70 the National Electrical Code, as amended.

**CHAPTER 4, "Gas Piping Installations"** shall be amended to read and provide as follows:

**401.5 Identification.** For other than steel pipe and for CSST, exposed piping shall be identified by a yellow label marked "Gas" in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524mm). The marking shall not be required on pipe located in the same room as the ~~appliance~~ equipment served.

**401.8 Minimum sizes.** All pipe utilized for the installation, extension and alteration of any piping system shall be sized to supply the full number of outlets for the intended purpose and shall be sized in accordance with Section 402. One (1") inch id minimum is required at stub-out on any building at the gas meter, even if the building is classified low consumption.

**403.2.1 General Considerations.** Notwithstanding any information that might appear in Tables 402.4(1) thru 402.4(35) the only approved materials for use in the City of Galveston are as follows:

Inside Buildings – Schedule 40 or better Galvanized Pipe & Fittings or (CSST) corrugated stainless steel with lighting resistant system that is certified to meet ANSI LC1-2005 & ANSI LC1-1024 Standards. With plumbing inspector's approval prior to use. All CSST piping shall be identified by a yellow label marked "Gas" in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524mm).

- Underground outside of buildings only – Schedule 40 or better, galvanized pipe & fittings, Polyethylene gas piping with epoxy coated steel risers along with tracer wire not less than 18AWG and the insulation type shall be suitable for direct burial.
- NO GAS PIPING ALLOWED UNDER ANY BUILDING SLABS

**403.4.2 Steel.**

4. Galvanized steel not allowed under slabs.

**403.6 Plastic pipe, tubing and fittings.** Polyethylene gas Plastic pipe, tubing and fittings used to supply fuel gas shall conform to ASTM D 2513. Pipe shall be marked "Gas" and "ASTM D 2513" along with tracer wire not less than 18AWG and the insulation type shall be suitable for direct burial.

Plastic pipe/tubing is not allowed under slabs.

**Section 406.4.1 Test pressure.** The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than ~~3~~ 5 psig, (~~20 kPa gauge~~); irrespective of design pressure using a calibrated diaphragm gauge. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value

that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

**CHAPTER 6, "Specific Appliances"** shall be amended to read and provide as follows:

**614.6.5.2 Manufacturer's Instructions.** The size and maximum length of the exhaust duct shall be determined by the dryer manufacturer's installation instructions. The code official shall be provided with a copy of the installation instructions for the make and mode of the dryer at the concealment inspection. ~~Where the exhaust duct is to be concealed, the code official prior to concealment inspection.~~ In the absence of fitting equivalent length calculations from the clothes dryer manufacturer, Table ~~614.6.5.1~~ M1502.4.4.1 shall be used.