

**ORDINANCE NO. 16-005**

**AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 10, "BUILDING CODE OF THE CODE OF THE CITY OF GALVESTON, 1982; AS AMENDED", "ATTACHMENT A, INTERNATIONAL BUILDING CODE AMENDMENTS", SECTION 3406, 'FIRE ESCAPES', TO REQUIRE CERTIFICATION THAT A FIRE ESCAPE IS DEEMED SAFE AND STRUCTURALLY SOUND; TO ALLOW FOR CERTIFICATION OF UP TO FIVE YEARS OR ANNUAL CERTIFICATION; TO PROVIDE FOR A PENALTY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Galveston is currently operating under the 2012 edition of the "International Building Code" ("IBC") as amended; and,

**WHEREAS**, City Council and staff recognize the importance of property owners maintaining the structural condition of their fire escapes to ensure the safety of the citizens, residents and visitors to the City of Galveston; and,

**WHEREAS**, staff recommends property owners with fire escapes that are attached to a structure, provide a report from a registered structural engineer certifying the fire escape conforms to the current International Building Code of the City, as amended; and,

**WHEREAS**, the fire escape can be certified and deemed safe and structurally sound for up to five years; and,

**WHEREAS**, the property owner can have the fire escape certified and deemed as safe and structurally sound annually; and,

**WHEREAS**, this Ordinance and corresponding amendments shall be recognized as "Kilcey's Law"; and,

**WHEREAS**, staff recommends amending Chapter 10, "Building Code," of The Code of The City of Galveston, 1982; as amended, by amending Article I. "International Building Code"; "Attachment A, International Building Code Amendments", Section 3406 'Fire Escapes', to require certification that a fire escape is deemed safe and structurally sound; to allow for certification of up to five years or annual certification; to provide for a penalty, and provide an effective date of February 1, 2016; and,

**WHEREAS**, the City Council of the City of Galveston deems it to be in the public interest to amend Chapter 10, "Building Code," of The Code of The City of Galveston, 1982; as amended, by amending Article I. "International Building Code", Section 3406 'Fire Escapes', to require certification that a fire escape is deemed safe and structurally sound; to allow for certification of up to five years or annual certification; to provide for a penalty, and provide an effective date of February 1, 2016.

**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.** Chapter 10, "Building Code," of The Code of The City of Galveston, 1982; as amended, Attachment "A", "International Building Code Amendments"; Section 3406, "Fire Escapes" is hereby amended to add the following:

**ATTACHMENT "A"**  
**International Building Code Amendments**

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**Sec. 3406.6. Certification required.** All existing and new fire escapes shall comply with the 2012 International Building Code, *as amended*, regarding live load requirements and wind load requirements.

1. Fire escapes shall have a live load requirement of 100 pounds per square foot (including fire escape connections to building/structure); and,

2. Fire escapes shall meet the required wind load; and,

3. Fire escapes shall meet the live and concentrated loads for guardrail/handrails;

3.1 Guardrails and handrails shall be designed to withstand a 200 lb. concentrated load applied in any direction and at any point on the top rail. Guardrails and handrails shall also be designed to withstand a uniform load of 50 lb. /ft. applied horizontally to the top rail. Uniform loads are not to be applied simultaneously with the concentrated loads, and;

3.2 Pickets and intermediate railings shall be designed to withstand a horizontally applied normal load of 50 lbs. on an area not to exceed one square foot, including openings and spaces between rails; and;

4. Property owners shall supply the City of Galveston with a copy of the certification on the required loads for all existing and new fire escapes, including loads for guardrail/handrails;

4.1 The property owner shall provide a report/certificate from a registered structural engineer which deems the fire escape safe and structurally sound; and,

4.2 The structural engineer shall specify whether the certification is applicable for one, two, three, four, or five years from the date the report is certified.

4.3 A certification is valid from the date the certification/report is filed with the City of Galveston to December 31 of the corresponding year(s) of certification.

(a) As an example:  
A one year fire escape certification filed on February 1, 2016 is valid until December 31, 2016. A two year fire escape certification filed on February 1, 2016 is valid until December 31, 2017.

5. All fire escapes shall be examined and certified at a minimum every five years by a structural engineer in accordance with this section.

Sec. 3406.7. Violation and penalty. The violation of any provision of this section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding two thousand dollars (\$2,000.00). Each day any violation of this section occurs shall constitute a separate offense.


**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 **February 1, 2016** and from and 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 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 January 14, 2016, 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 15th day of January, 2016.



Quelle Williams  
Secretary for the City Council  
of the City of Galveston